Couple Barred From New Home

Pittsburgh, Pa. Courier
Sat. 6-21-47

BIRMINGHAM, Ala. — Because Mr. and Mrs. Samuel Matthews had not received a certificate of occupancy from city building officials, Federal Judge Clarence Mullins dismissed their suit which sought to invalidate the local residential zoning laws forbidding them to live in their new home built in a section designated "for whites only."

In his decision Judge Mullins said the suit was "prematurely brought," and that the plaintiffs had no "present right of occupancy or use because of their noncompliance with the valid conditions precedent to the existence of such right." Sat. 6-21-47

Failure of the building inspector to issue the certificate of occupancy necessary before they could move in, formed the basis of their complaint against the jim-crow provisions. The suit was sponsored by the local branch of the NAACP, with its attorney, Arthur D. Shores, handling the case.

iting colored persons from living in property zoned for whites was declared unconstitutional last Thursday by Federal District Judge Clarence Mullins. Fri. 8-8-47

Judge Mullins followed rulings of the United States Supreme Court and the Supreme Courts of North Carolina, Georgia and South Carolina which have held similar ordinances unconstitutional on the grounds that they violate the Fourteenth Amendment to the Federal Constitution.

His ruling came after Samuel Matthews and his wife, Essie, had been refused an occupancy permit for a house they built. The house had been approved by the city building inspector's office after a final inspection. Aug. 9, 18/47

An injunction will be issued and its officers restraining them from further interfering with Mr. and Mrs. Matthews, Judge Mullins said.

John Foster, city attorney, said an appeal would probably be taken.

Judge Refuses Negro Hearings

Adv. Tiger Thur. 6-12-47
Montgomery, Ala.

BIRMINGHAM, ALA., June 11. — (AP) — Federal Judge Clarence Mullins refused today to rule on a petition by two Negroes seeking to challenge the constitutionality of a Birmingham zoning ordinance barring Negroes from living in certain areas.

The petition was presented by Samuel Matthews and his wife, Essie Matthews. They asked that the city be restrained from preventing them from occupying a house they built in a Westside district.

Judge Mullins said he could not rule on constitutionality of the zoning ordinance because the action had been "prematurely brought."

The court said evidence showed the Negroes had received city approval only on the foundation for their house, and failed to have the frame approved. He held that the plaintiffs had failed to comply with city building regulations.

The Negro couple contended they had received a building permit but that the city had then refused to grant them an occupancy permit. Thur. 6-12-47

Counsel for the couple filed notice of appeal to the U. S. Circuit Court of Appeals.

ZONING ORDINANCE BASED ON RACE IS RULED AS ILLEGAL

The St. Louis Argus St. Louis, Mo.

BIRMINGHAM, Ala., Aug 6 (NNPA)—A city ordinance prohib-

Victory in Birmingham

Courier, Pittsburgh Pa. Sat. 8-9-47

Following closely upon the heels of the outlawing of the white primary in South Carolina comes the outlawing of the racial zoning ban in Birmingham, Ala.

Federal Judge Mullins in that city has declared unconstitutional a Birmingham city ordinance prohibiting Negroes from living on property zoned for white persons as a violation of the Fourteenth Amendment of the U. S. Constitution.

This is an important victory for American Negroes because housing segregation is the worst menace confronting colored people in this country. Sat-8-9-47

Now that a legal precedent has been set by the Federal court, efforts of other cities across the land to bar Negroes from certain municipal areas will have tough sledding.

It has become axiomatic that Negroes cannot become full citizens of this republic if they cannot live wherever they choose, and this latest decision recognizes that fact.

Judge Ruled Okey to Occupy

Had Given Injunction Against Birmingham NO ONE HURT

Afro-American Baltimore, Md.
Sat. 8-30-47

Two Investigations Begun Immediately

BIRMINGHAM—The home into which Federal District Court Judge Clarence Mullins ruled Mr. and Mrs. Samuel Matthews had the right to move despite a jim-crow zoning ordinance was practically destroyed here on Aug. 18 by a dynamite blast which blew off the front of the six-room dwelling and crushed the rear section.

No one was injured, for the couple had not moved in. In fact, H. E. Hagood, city building inspector, said after the explosion that Mrs. Matthews had told him earlier that they were reluctant to occupy the property because of the controversy over it.

Located at 120 11th Court, West, the house, which was valued at between four and five thousand dollars, is just about a half-block from a thickly populated colored section and three blocks from the nearest whites. Sat. 8-30-47

Two Investigations Begun

Aware of the opposition to the couple's moving in, Chief of Police Floyd Eddins put two city detectives to work on an investigation, instructing them:

"Get to the bottom of the matter, and leave no stone unturned in finding out who is responsible."

Almost simultaneously, the Birmingham branch of the NAACP began its own investigation.

At least six sticks of dynamite were used to destroy the house, which has been the center of three suits involving city zoning laws designed to keep colored people of certain sections.

Also Tied City's Hands

Ruling on the last suit, July 31, Afro-American Judge Mullins declared that the zoning law is unconstitutional and issued an injunction restraining city authorities from interfering with Mr. and Mrs. Matthews.

At that time, Judge Mullins pointed out that the U.S. Supreme Court and the higher courts of North and South Carolina and Georgia have thrown out similar laws on the grounds that they violate the 14th Amendment to the Constitution.

After the decision, the city attorney's office stated that an appeal was planned, but no action had been taken at the time of the explosion. Baltimore, Md.

The Matthews case was handled by Arthur D. Shores, attorney, who, during the hearing charged that Inspector Hagood had delayed giving the Matthews couple an occupancy permit. Sat. 8-30-47

Occupancy Permit Delayed

Admitting the delay, Hagood said that he had to discuss the issue with the city legal department before he could authorize the permit since a special written one was requested.

The inspector also said that later he received authorization but that Shores never returned for it. His statement was refuted by F. A. Curtis of Shore's office staff, who said that he called for it twice but was unable to get it.

Afro-American Baltimore, Md. Sat. 8-30-47

DYNAMITED—Fortunately Samuel Matthews and his family had not yet moved into the above house in Birmingham when it was wrecked by the explosion of at least six sticks of dynamite last Monday. Federal Judge Clarence Mullins ruled on July 31 that Mr. Matthews might occupy the house, which is located in an area limited to white residents by a Birmingham zoning law which the Judge found unconstitutional. Sat. 8-30-47

Dynamite Home Of Ala. Miner

Chicago Defender

By JOHN LeFLORE

BIRMINGHAM, Ala. — White terrorists here used dynamite to wreck the unoccupied home of a Negro family "just across the lily white line" Monday night in an "invasion" of colored people into a so-called whiteone neighborhood. Sat. 8-31-47

The house, a mere half-block from a thickly populated Negro residential area and three blocks from the nearest white home, was the first of the white ordinance imposing residential segregation was unconstitutional and in violation of the 14th Amendment to the Constitution.

The dwelling was owned by Samuel Matthews, a miner, and his wife, Mrs. Essie Mae Matthews. The six-room house, valued at $5,000, was located at 120 11th st., West, and was the only one in the particular block in which it was located. Sat. 8-30-47

The blast, which occurred about 1 p.m., tore away the front of the house and caused the rear section of the building to collapse.

The Matthews, who had been in a zone which the Federal District Court here recently ruled unlawful for white residents only, had moved into their new home, reluctant to move into their new home for fear of reprisals by city of Birmingham had unlawfully designated for white residents in view of the outlawing of the city's Jim Crow zoning ordinance, reside at 631 1st ct.

The court declared the city zon-

Racists Dynamite Negro Miner's New Home

The Worker
New York N.Y.

By Mary Southard

BIRMINGHAM.—The newly-built home of a Negro coal miner and his wife, Mr. and Mrs. Samuel Matthews, was dynamited into ruins in the East Thomas section of Birmingham on August 18.

The home, valued at around $5,000, was built by the Matthews family several months ago. They were refused an occupancy permit by the city on the grounds that a Jimcrow zoning law prohibited Negroes from living in that section. Actually this part of the East Thomas community is predominantly Negro, and the Matthews' house was isolated, being half a block from the nearest Negro house and three blocks from the nearest white house.

Sun. 9-7-47

The Matthews decided to fight for their home. With the help of the local NAACP, they took the case to court. On July 31, Federal Judge Clarence Mullins declared Birmingham's two zoning laws unconstitutional in their abridgment of rights guaranteed under the 14th Amendment. Attorneys for the city stated they would appeal the case, even in face of the fact the U.S. Supreme Court has already ruled such zoning ordinances illegal. But to date no appeal has been made.

THE MATTHEWS still did not move in, mainly because of threats which had accompanied the prosecution of their case in the courts. Their lawyer, Arthur D. Shores, received several threatening phone calls. W. L. Patterson, head of the East Thomas NAACP, and Mrs. Barbara Durr, NAACP branch president, received similar threats. One of the letters received was signed 'KKK'.

Then on the night of August 18 **six sticks of dynamite were set off,** destroying the whole front of the house and collapsing part of the rear.

Sun. 9-7-47

This action is being investigated by the city and county detectives and the FBI, with the NAACP carrying on its own investigation. The dynamiting job was clearly not the work of an individual. Though the sheriff's office has discounted any involvement of the KKK, many here feel the KKK is due for some probing.

★

ONLY IMMEDIATE CLUE centers around a white resident in that neighborhood, J. E. Monteith, who was violently opposed to the Matthews' moving in. He is alleged to have threatened agents of a local

THE NEW HOME of Mr. and Mrs. Samuel Matthews shortly after it was dynamited.

The Worker, New York N. Y.

realty company, as they were showing sites to prospective buyers, after their property had been freed from zoning restrictions by the court.

Under the heading, "A Detestable Deed," a Birmingham Age-Herald reflected to some extent the sharp resentment among the Negro people:

Sun. 9-7-47

"The persons responsible for the dynamiting of an unoccupied house near East Thomas are enemies of society. . . . It matters not that this particular house was involved in a zoning dispute. There is no justification in its destruciton in the fact that some persons opposed occupation of the house by a family of one race. . . . By all means the dynamiting should be investigated to the fullest. . . .They (the city detectives assigned to the case) should know that public opinion, except for the misguided ideas of a few anti-social beings, stands fully behind them and hopes for arrest and prosecution of the guilty."

Whites Seek To Oust Vet And Family From Home

Chicago Defender, 2nd. Sat.

OAKLAND, Calif. — Twelve American families in the 1200 block on Burnette st., Berkeley, with such names as Kiempel, Wiese, Kolo, Theiss, Costa, Pimentel, Paulfine, Silva, Hempel and Palfine object to another American family by the name of Tademy residing in the same block with them.

Nathan G. Tademy Jr., is a young colored veteran with a wife and three children. He just returned to his family less than a year ago from service in the Navy of the United States. Young Tademy had been engaged in the business of defeating Nazism and making America a safe place in which to live for the Kempels. Wieses, Kolbs, Theisses, Costas, Pimentals, Palfines, Silvas, Hemples, Palfines. Tademy joined in the fight. He was a good boy then, but now he is out of his place because he wants to live decently and rear his children in a good environment. He must remember the American way. The war is over. 1-11-47

It all began several months ago when Nathan Tademy received his honorable discharge from the Navy and hurried home to his young wife, Willie D. and three children, Theodorsia 5, Joan Evonne, 3, and L. Decator 2 They were residing in an inadequate apartment at the Cordonices Village. Months of searching for a home had failed when one day last August A. A. Moore, real estate broker, called and advised of a piece of property for sale at 1260-Burnette street which he felt in Tademys would be interested in seeing. 1-11-47

Mrs. Tademy was well pleased with this spacious home with a big back yard in which the children can safely play. A GI loan was arranged and the family moved in during the month of September. All was well until November 30 when Young Tademy received a summons to court. He had violated a racial restrictive covenant. The good people on Burnette street do not want this American family to live near them. The war is over.

Tademy called Henry Johnson Jr., field secretary for the Alameda County Branch of the National Association for the Advancement of Colored People, who immediately began the machinery to fight the case. The law firm Gladstein, Anderson, Rosner, Sawyer and Edises will defend the Tademys.

Couple sues So. Pasadena

Tribune, Los Angeles, Calif. Sat. 3-8-47

Suit will be filed today in superior court by Ernest R. Chamberlain and his wife, Ethel, against the city of South Pasadena city officials, charging the city with acting unconstitutionally in inserting racial restrictive covenants in deeds conveying property acquired through nonpayment of taxes. Sat. 10-18-47

The suit was filed by attorneys for the American Civil Liberties Union, Wirin, Kido and Okrand and Frank Chuman. Additianal counsel includes Loren Miller, for the NAACP and William Strong for the Commission on Social Action of the American Jewish Congress.

The Chamberlains, Negroes, had purchased property in South Pasadena which the city had acquired out of tax delinquences. A restrictive covenant inserted by the city prohibited the use or occupation of the property by "any person whose blood is not entirely of the White or Caucasian race." Excepted are Negro servants or other employees. Sat. 10-18-47

The suit asks for declaratory judgment that the restrictions are unconstitutional.

21-Year Fight

Pittsburgh Courier

California's First Legal Test on Covenants Began By Widow in 1926

LOS ANGELES, Calif.—Twenty-one years have passed since the initial attack upon restrictive covenant in California and memories of that first real legal effort are still in mind as the fight to break such covenants goes on in 1947.

In that first case, filed in 1926, Mrs. Pauline Ellis, a widow, entered suit against George H. Letteau. She was game although she was poor, according to her attorney, Afue McDowell.

Her fight, says Attorney McDowell, formed the beginning of the legal theory that change of racial conditions in a neighborhood could be grounds upon which a court could refuse to enforce a race restriction on property in the vicinity. Sat. 3-8-47

NAACP ENTERS CASE

In February 1930, a Superior Court judge ruled against Negroes seeking to break restrictive limitations. This was not the Ellis case but one engineered by the NAACP, it is said.

In April 1932, Attorney McDowell reports, the court ruled in favor of Mrs. Ellis and the whites appealed. Short of funds, she was unable to finance her defense against the appeal and the NAACP entered the case. Sat. 3-8-47

Today Mrs. Ellis is being remembered for having started the first fight on the covenants, for nearly all of the eighty-acre tract is occupied by Negreos, and the determination of the frail old woman was the background for the success which followed the fight.

In 1947 the NAACP is attempting to battle in behalf of the Crocker family, part-Indian group, in the newest assault against restrictive covenants in California.

Berkeley mayor appeals to whites in Negro doctor's behalf

BERKELEY—Berkeley's mayor, Dr. Laurence L. Cross, has appealed to biased white property owners of his city in behalf of Dr. Dewitt A. Buckingham, Negro physician, whom a local court denied the right to occupy a home in the fashionable Claremont Heights district of Berkeley. Calif. Tribune, Los Angeles

Dr. Cross sent a letter to the Claremont Improvement Association which sued Dr. Buckingham on the basis of restrictive covenants prohibiting Negro occupancy. Sun. 11-3-47 Calif.

"I know the racial problem is age-old, world-wide, and granite-hard," Dr. Cross said. "Let us all, however, in the interest of democracy, justice and world peace, do all in our power to solve it."

OUSTER ORDER—Harry W. Crocker and daughter, Muriel, on steps of their home. Court directs Crocker, being white, may remain in home but wife, part Indian, and three daughters must leave. —Los Angeles Examiner photo.

Indians Must Move From Own Home, Court Decrees

Though of American-Indian descent, a mother and her three daughters have been ordered to move from the home they own at 435 North Westbourne drive, West Hollywood, because of racial restrictions in property deeds.

The husband and father, Harry W. Crocker, being white, may remain.

Such an order, it was discovered by the Los Angeles Examiner yesterday, was issued by Superior Judge Ruben Schmidt on Wednesday.

It gives Mrs. Isabel Crocker and the three girls—Muriel, 30, Alicia, 20 and Jean, 13—30 days to leave their home.

Mrs. Crocker is three-quarters Seneca Indian. Her daughters, by a white father, are three-eighths Indian.

The complaining witnesses were neighbors, Harold and Franklin Pearce, W. Eugene and Jean Saxton and William A. and Colleen Douglas, who circulated a petition and obtained funds from other neighbors to prosecute the case.

They contended that deed restrictions forbid the selling or renting of property in the area to persons of "non-Caucasian blood."

It was stipulated at the trial that Mrs. Crocker and her children were of "Indian blood excellent neighbors but non-Caucasian."

MRS. ISABEL CROCKER

INDIANS ORGANIZE TO FIGHT RACE BIAS

Limits on Use of California Properties Spur Movement of Country-Wide Scope

Special to The New York Times.

LOS ANGELES, March 25—Leaders of the more than 3,000 American Indians of Southern California, who of late have found themselves the victims of intensified racial discrimination, have united for a legal, political and educational campaign to improve their lot and that of the 400,000 other red men throughout the country.

The immediate crux of the problem in California is State sanction of "covenants" or clauses in real estate titles limiting the use and occupancy of properties—although not outright ownership—to persons of the "caucasian" race, a term interpreted as including Indians.

Recently a Los Angeles Superior Court Decision ruled that Mrs. Harry Crocker, gift shop owner and of full Indian extraction, must move out of the home she has occupied for years with her "caucasian" husband.

The Indians, as descendants of the country's original inhabitants and special wards of the Government, find fault not only with their treatment locally, but also with the general treatment of their "race" in this special wardship.

Led by Tom Humphrey, a young Hopi who was a sergeant in the Air Force, local Indians recently formed the American Indian Citizens League of California and elected as their leaders Will Rogers Jr., who is one-sixteenth Cherokee; Monte Blue, the movie actor, who is one-quarter Cherokee, and Bill Wilkerson, a full Cherokee and former Indian lobbyist in Washington.

The organization, still in formation, has 700 enrolled members, and more turned out for its first rally at the Hollywood High School auditorium last night where its program was expounded.

Mr. Rogers, a former Representative in Congress, declared that the Indians were the most depressed group in the country. One-third of the reservation families last year received a cash income of less than $500, against a national per capita income average of $1,100, he asserted.

Mr. Rogers further said that although the Government's Office of Indian Affairs was holding in trust for individual Indians 57,000,000 acres of land worth $400,000,000, Government benefits to Indians last year totaled only $30,000,000. He added that whereas on the Navao Reservation alone there were 20,000 Indian children of school age, there were school facilities for only 5,500.

Stating that the League's treasury to date amounted to only $351, Mr. Rogers presented a three-phase program embracing public education on the Indian's national contribution in war and peace and their present distress; legal battles against all discriminatory court decisions, and a campaign for remedial state legislation.

Part-Indian Movie Stars Go On Warpath

Object of Evictions Because of Color

By ALINE MOSBY.

Hollywood, March 5.—The Indians are on the warpath in Hollywood, but it isn't for a movie scene—it's the real thing.

These Indians, many of 'em big shots in movietown, are fighting mad and striking back at their paleface brothers who are trying to shove them around.

They've formed "The American Indian Citizens League of California" and the roster reads like an opening night at Ciro's:

Linda Darnell, Ann Sheridan, Johnny Mack Brown, Richard Dix, bandleader Spade Cooley, Tonto, Monte Blue, and Will Rogers, Jr. All part Cherokee except Brown, who's got a streak of Creek.

The chief of the league is Rogers, publisher of a Beverly Hills newspaper and ex-congressman.

Started Beating War Drums.

He started beating the war drums, he said, after a judge ruled that a Hollywood gift shop owner had to move out of her home because she was three-fourths Seneca Indian.

The actors and actresses whose ancestors used to live in teepees got scared that they'd be right back there, too. What if Linda Darnell and Ann Sheridan got tossed out of their houses?

So Rogers, Misses Darnell and Sheridan and a couple of thousand of other Hollywood part Indians are pow-wowing March 20 at Hollywood High School to talk over the situation. And the powwow will be star-spangled, too.

Snatched Off Reserve.

Rogers has urged Mr. Cooley to bring his cowboy band and he's snatched Ira Hayes, one of the flag-raisers on Iwo Jima, right off the Arizona Pima Indian reservation to make a speech. And those floodlights, that are used for even shoe-shine parlor openings here will probably be out in front.

The Indian movie stars' plan is double-edge.

First they're going to rescue the evicted woman, if she needs it, and then they'll see to it that Indian veterans get a better deal from the G.I. Bill of Rights.

"The court hasn't served the woman the eviction papers yet because they're afraid of what we might do," explained Rogers. "If she's tossed out, we'll take the case to the State Supreme Court and I'm sure we'll win."

Can Set a Precedent.

If they don't Linda, Ann, and the rest might have to start looking for new places to live.

"The outcome of the case can establish a precedent," he said. "It's the first time in California that the word 'Indian' has been mentioned in a discrimination case."

The judge ruled that an American Indian is a non-Caucasian and can't live in a neighborhood restricted to Caucasians. He gave the part-Indian woman, Mrs. Isabel Crocker, and her three daughters notice to move out because six of their neighbors had complained.

Mrs. Crocker's husband, Harry Crocker, a French-Canadian, wasn't affected by the ruling.

Want Status Clarified.

"We also want the Veterans Administration to clarify the status of the Indian ex-G.I.'s," said Rogers. "Indians aren't citizens, but wards of the Govern-

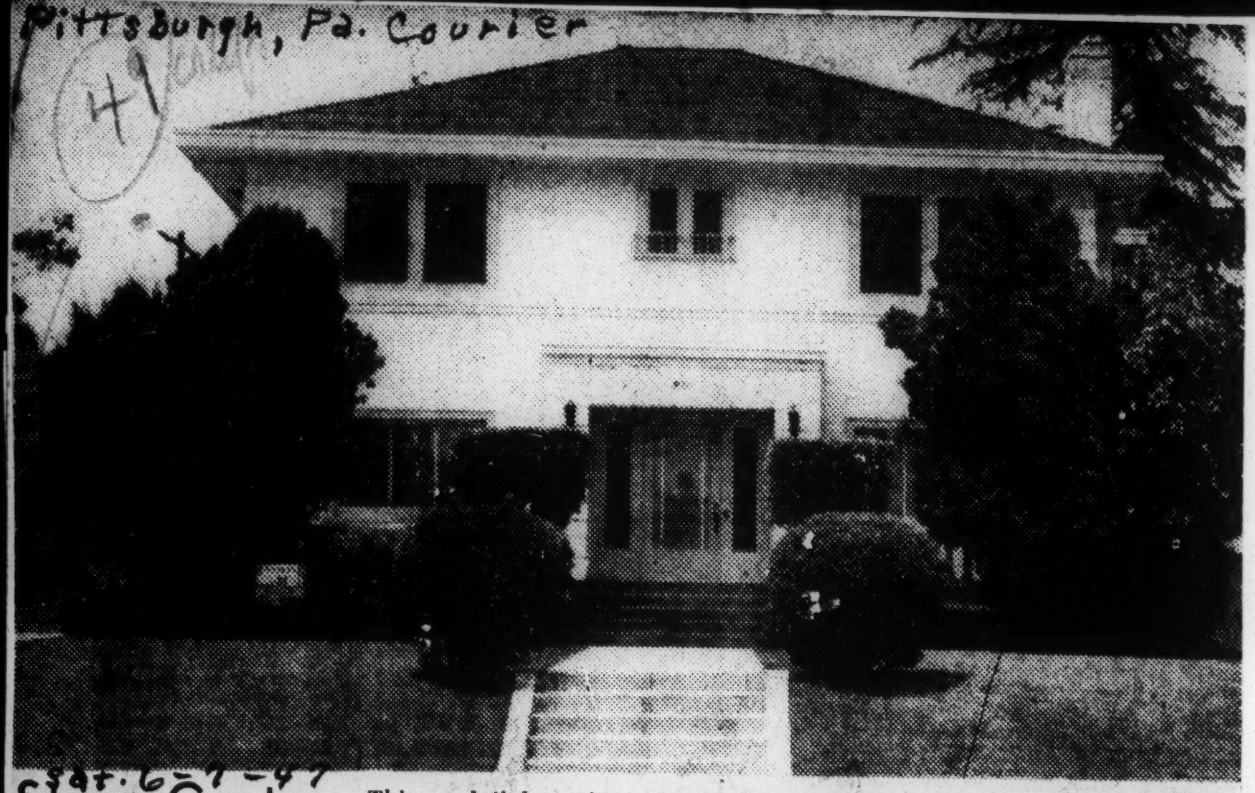
husband could stay.

The case of the Crocker family, where the husband is white and the mother Indian, has been appealed to the Supreme Court after an order was issued that the mother and three children leave the home because of Caucasian restrictions, but that the

Indian Catholics Score American Residence Restriction in Calif.

LOS ANGELES—Three thousand Indians met in Hollywood and Indians and Indians High School recently to hear Msgr. Thomas J. O'Dwyer, pastor of St. Mary Church, Boyle

Pittsburgh, Pa. Courier



Storm Center—This palatial residence at 1215 South St. Andrew Street, Los Angeles, Calif., is the center of the storm of controversy raging around its purchase by Dr. William B. Peck, prominent Angel City physician, who recently moved to the West Coast. In a white neighborhood, the whites are trying to oust Dr. Beck from his home through restrictive covenant clauses.

The Color of the Mind

Sirs:

It is hardly possible to open a paper today without encountering some new phase of the gross cruelty and perverted enthusiasm with which so many of our "superior, kindly" U.S. citizens are persecuting and prosecuting their neighbors, whether black or Jewish or white or Catholic. But we seem, in California (of Nisei persecution fame), to have struck a new low in American idealism. TIME's forthright report of it, "Nothing Personal" [Feb. 17), is to be commended. . . . To find a group of "white Caucasians" (both conditions a pure accident of birth), holier-than-thou, Nazi-principled bigots going far out of their way to hound a single family, of admittedly good reputation, into court for the purpose of driving them out of their home, is a vicious blight to our hope for the future. . . .

Committee Chairman W. A. Douglas, in his defensive explanation, has keynoted the finest in totalitarian thought in his epic statement: "We have no objections to the Crockers personally, other than that they are not white.". . .

The anti-American crime is not the color of a man's skin. The crime is the color of a man's mind. The shoddy, envenomed mentalities that thrive at the expense of their neighbors should be held strictly accountable to a court of law. . . .

CHARLES H. BLAKESLEE
Oak Park, Ill.

Sirs:

I hide my head in shame to think that I ever criticized the people of the South for racial prejudice, when every day I find the same disgraceful practice being carried on in this very state.

JOHN MCCARTHY JR.
Watsonville, Calif.

Lena Horne Fights to Maintain Home Against Hate Group

CHICAGO—(ANP)—The Chez Paree engagement of Lena Horne was ended two weeks earlier than expected, because trouble brewing on the West Coast around her recent purchase of a home in the heretofore exclusively white Beverly Hills community, it was disclosed here last week.

The report is that some of the white property owners in that district are openly opposed to the singer's living in that area. It is said that among these objectors are some officials of the movie company to which she is under contract. Miss Horne's husband is white.

Indian Chief Denied Home

LOS ANGELES — Another restrictive covenant case appeared in this city last week, when it was revealed that Chief Thunder Cloud, a Cherokee Indian, was barred from purchasing a home because of his race.

According to reports, Chief Thunder Cloud, whose Christian name is Victor Daniels, attempted to purchase a home in Burbank. A deal was in progress, and reached escrow, where the owner of the property adjacent to that desired by Daniels, invoked the racial covenant.

In a gigantic mass meeting held at the Burbank First Methodist Church and under the sponsorship of the San Fernando Valley Council on Race Relations, the case of Daniels was aired, with members and officers of the Race Relations Council declaring that they would immediately launch a fight to have the covenant set aside.

protest San Mateo county for white-only proposal

SAN FRANCISCO — Under fire from whites and Negroes alike all along the Peninsula is wealthy white Burlingame real estate man Harry Carskadon, a member of the South San Mateo County Board of Realtors, who wants to make San Mateo a "white" county.

Sharply critical of Carskadon is Selah Chamberlain Jr., white real estate man who is also campaign chairman of the San Francisco Council for Civil Unity. Said Chamberlain:

"I'm afraid Mr. Carskadon is off the beam. His contentions not only conflict with fundamental American priciples, but from a strictly practical viewpoint, he apparently has failed to recognize the startling implications of his pronouncement.

"Statements like Mr. Carskadon's are not only open to question on the facts, but tend to inflame the prejudice and tensions that he deplores."

Others who have "jumped" Carskadon include the Burlingame chapter of the American Veterans' committee, the San Mateo chapter of the NAACP, and the pastor of the White 1st Methodist church.

Fights Housing Jim Crow By Starting Realty Bureau

REDWOOD CITY — The fight against housing Jim Crow continues as the Redwood City Council for Civic Unity threatens to set up its own housing bureau if the peninsula realtors refuse to sell housing to non-white residents.

Mrs. Elizabeth Eisenberg, executive secretary of the council announced that this housing bureau would see that members of minority groups get the chance to rent or purchase housing anywhere in San Mateo county.

Henry Carskadon, spokesman for the South San Mateo Realtor's, who said he would fight to prevent non-white citizens from establishing residence on the peninsula, is to take an official position on the question next week.

Mrs. Eisenberg said that regardless of the decision of the realtors, the council would go on with its bureau.

Los Angeles Injunction Bars Medic's Family From New Home

By MARIE T. DRAGNA

LOS ANGELES, Calif.—Despite the fact that numerous covenant cases are already awaiting action by the state supreme court, racists here have found a new weapon in their fight to prevent non-whites from occupying their newly purchased homes.

The four complainants succeeded in getting an injunction writ forbidding Mrs. A. M. Wilkins from occupying her own premises at 2425 6th ave., in the exclusive white West Adams district. Although the writ is returnable June 9 and Mrs. Wilkins may be cited for contempt if she ignores it, the Wilkins family has moved in, and hope to continue living there.

Frank P. Clayton, Eleanor L. Boyd and John and Dewey Chartrand are the whites who obtained the injunction, but they did not find the courts unanimous in the matter. Superior Court Judge Walter L. Gates refused his signature and termed such action unconstitutional. Judge William S. Baird, also of the superior court, signed.

Son Is Invalid

The writ bars from the property not only Mrs. Wilkins, but her bedridden son, Dr. A. M. Wilkins Jr., who has been ill for four years; his wife and their three minor children. Mrs. Wilkins Sr., through her attorney, said the home had been purposely bought in a quiet neighborhood to speed her son's recovery. He became ill in Atlanta, Ga., four years ago, as a result of overwork in caring for his huge medical practice which was largely white.

Mrs. Wilkins Sr., is the widow of the co-founder and former president of the Citizens Trust Bank of Atlanta, a prominent Georgia dentist. His son, young Dr. Wilkins, is a graduate of Fisk and Howard Universities and of Meharry Medical School.

OK Restrictive Covenants in D. C.

49 Pittsburgh, Pa. Courier

WASHINGTON—The legality of restrictive covenants in the District of Columbia was upheld by the U. S. Court of Appeals last week. A two-to-one decision agreed that the District Court decision voiding four deeds on property sold to Negroes in the 100-block of Bryant Street, N. W., was binding.

The dissenting opinion, set down by Justice Edgerton, declared that the issue involved was whether the law should support and enforce racial discrimination. He declared that "suits like these and the ghetto system they enforce are among our conspicious failures to live together in peace." Sat. 6-7-47

Meanwhile, a brief has been filed with the U. S. Supreme Court involving a case which originated in Michigan.

Washington's Negro Ghetto Case

Washington Perspective

49

PM New York, N. Y.

WASHINGTON

Uncle Cam's double standard: Uncle Sam, like a respectable preacher with a girl friend up a side alley, doesn't always live up to his principles. Theoretically all American citizens have an equal right to acquire property wherever they please and for whatever purpose they please, subject only to general restrictions such as the zoning laws. Actually many real estate covenants forbid resale to Negroes, Chinese, Jews. Wed. 5-28-47

NONE OF OUR BUSINESS? An owner cannot plead that such restrictions are nobody's business but his own. Public policy restricts his rights to dispose of his property. Jefferson before the revolution in Virginia, for example, successfully fought to abolish the right to provide that property shall pass on from eldest son to eldest son in perpetuity (primogeniture and entail). Restrictions against resale of property to Chinese have been held unenforceable, and restrictions against resale to Jews would be unlikely to survive testing in the courts. But restrictions against negroes have yet to be outlawed. Wed. 5-28-47

NEW TEST CASE COMING: The U. S. Circuit Court of Appeals for the District of Columbia handed down a two to one decision in an anti-Negro real estate covenant case Monday that is headed for the Supreme Court. Nearest the Supreme Court ever came to deciding the issue of whether anti-Negro covenants are enforceable was in 1926. The court then held—in the rather oracular and ambiguous way in which it sometimes disposes of hot issues— that such anti-Negro covenants were not in themselves contrary to the Constiution or public policy. The District of Columbia majority is prepared to enforce them.

BUT: Justice Henry W. Edgerton, Jr. in a brilliant dissenting opinion whose economic and social argumentation recalls Brandeis, argues that the Supreme Court never has decided whether such anti-Negro restrictions are enforceable by injunction. In this case a wh[illegible]ner wanted to sell to a Negro buyer but other whites obtained an injunction against the sale on the ground that it was contrary to the restrictive covenant in the title. Wed. 5-28-47

COURTS, TOO, BOUND BY CONSTITUTION: Justice Edgerton, opening this rather nice loophole for what would in effect be a reversal by the U. S. Supreme Court, argues that the court has already held that legislation or ordinances setting up "ghetto" restrictions against Negroes are unconstitutional. But an injunctive decree of a court enforcing such restrictions, Edgerton goes on, is a piece of judicial legislation, and the courts are also bound by the Constitution. Ergo such covenants are not enforceable by injunction.

THE REAL ISSUES: Once past the legalistic sleight-of-hand, Judge Edgerton wades into the real issues, citing sources as unmusty as Gunnar Myrdel's *An American Dilemma* and legal authorities as fresh as the American Law Institute's restatement of laws: Such anti-Negro covenants create ghettoes responsible in part for high incidence of delinquency, disease and death among Negroes. Example: The Negro "TB" rate in the District of Columbia is four and a half times the white. Edgerton, after reviewing the obvious inconsistency with American Constitutional principles, comes up with something new in the way of precedent.

Echoing a recent Canadian decision against anti-Negro covenants, he declares them contrary to the "without distinction as to race" provisions of the United Nations Charter. Wed. 5-28-47

TOUCHE: "It has been argued," Edgerton comments with acrid wit, "that enforcement of covenants which exclude a race from a neighborhood does not involve discrimination because it permits reciprocity. This amounts to saying that if Negroes are excluded from decent housing they may retaliate by excluding whites from slums." —I. F. STONE

WHITE COVENANT' UPHELD

New York, N. Y. Times

District of Columbia Court Bars Negroes From Named Block

WASHINGTON, May 26 (AP)—The United States Circuit Court of Appeals here upheld today a so-called white covenant excluding Negroes from owning or occupying certain houses in the 100 block of Bryant Street in northwest Washington. The court affirmed decisions of the Federal District Court by a vote of 2 to 1.

The ruling was against Raphael G. Urciolo, a real estate operator, who sold several of the houses coming under the covenant, and also against James M. Hurd, a Negro, an occupant of one of them.

Justice Bennett Champ Clark, who wrote the majority decision, said the Appeals Court for over twenty-five years had uniformly upheld the validity of restrictive conditions, whether by deed covenant or agreement among property owners. Wed. 5-28-47

Justice Henry W. Edgerton said in a dissenting opinion:

"It has been contended that enforcement of covenants which exclude a race from a neighborhood does not involve discrimination because it permits reciprocity. That amounts to saying that if Negroes are excluded from decent housing they may retaliate by excluding whites from slums."

The Highway

Afro-Amer

by Charles H. Houston

Afro American

A grand jury has indicted the Washington Real Estate Board for conspiracy in suppressing competition in the Disrict of Columbia real estate market.

The Board should have been indicted for conspiracy in injuring and oppressing colored citizens in their civil right to purchase, own and occupy real estate.

The Washington Real Estate Board is one of the most vicious forces in restricting colored people to limited areas—made ghettos from overcrowding—poor public service and antiquated inadequate accommodations.

Here is the story direct from the sworn testimony of Charles J. Rush, Executive Secretary-Treaurer of the Washington Real Estate Board October 15, 1946 in Hodge vs. Urciolo, a restrictive covenant case involving colored home purchasers in the 100 block of Bryant Street, Northwest (pages 270-277 of the transcript filed in the United Staes Supreme Court): Baltimore, Md.

200 Active Members

Question by Mr. Urciolo: Mr. Rush, how many members are in your organization? 9-13-47

A. The Washington Real Estate Board has 201 active members, comprising some 450 licensed real estate brokers in the District of Columbia; and about 1,515 associate members—they are salesmen in the employ of the members.

Q. Now, to the best of your knowledge, Mr. Rush, is any colored person a member of your organization?

A. No, sir; . . . . Sat.

Q. Mr. Rush, what is the policy of the Washington Real Estate Board as to selling houses to colored people in a borderline area?

A. The only way I can answer that—our rules provide that in cases of double, members should obtain the advice of our Public Affairs Committee . . . . The committee has been set up by the Board, and a new committee is appointed each year to contact,—to answer questions that are submitted by members as well as non-members as to the sale of a property in a doubtful area.

We advise our members that they cannot sell or can sell to the others. You have called, many years ago, and we have advised you that after inspection of the area, consult ation with the Citizens' Group in the area—or the property owners in the area—that the property could or could not be sold without criticism.

Q. Now, Mr. Rush, when you consulted with the Citizens' Groups, were any colored citizens groups ever asked to join in the discussion?

A. I cannot answer. I am not a member of the Public Affairs Committee.

Q. Mr. Rush, has your organization—have you called the Evening Star and objected to their advertising certain houses for colored people in white neighborhoods?

Sought Restriction

A. We have contacted the Evening Star and have said we have been requested by these associations — these Citizens' groups in those areas—to—not to let or permit our members to sell properties in those areas.

Q. To colored people?

A. To colored people.

Cross-examination by Mr. Houston: Mr. Rush, what do you mean by saying "policy of the Board"?

A. May I quote . . .our Code of Ethics, Section 5, paragraph 15: Baltimore, Md.

"No property in a white section should ever be sold, rented, advertised, or offerred to colored people. In a doubtful case advice from the Public Affairs Committee should be obtained."

Q. What constitutes a "white neighborhood"? Sat.

A. I cannot answer that, Mr. Houston.

Q. Where would that answer come from? 9-13-47

A. From the areas, property owners, covenants, occupancy—all of those things.

"No Standards?"

Q. Well, doesn't there have to be some standard? Do you mean to say that a white neighborhood varies according to whether the white people want to keep it white or not?

A. I can't answer you on that. As in the Bilbo hearings in Jackson, Miss., last January, the Department of Justice does not have to make any investigation beyond a routine check on the facts. It cannot hide behind the excuse of a failure of proof. The proof stares it in the face. If it wants to enforce the law and the Constitution, let it ask the grand jury to return a new indictment against the Washington Real Estate Board for wilfully conspiring to injure and oppress colored citizens in their civil right to purchase, own and occupy real estate in the Capital of this so-caller free democratic nation.

Restrictive Covenant Again Goes to Court

Black Dispatch

WASHINGTON, D. C., Sept. — (NNPA) — Sparrell A. Wood and his wife, India, 2903 Thirteenth street Northwest, filed suit last Monday to enjoin Daniel J. Veal, Jr., 619 Irving street northwest, from occupying premises at 2909 Thirteenth street northwest.

Oklahoma City, Okla.

According to Mr. and Mrs. Wood, the property located on the east side of Thirteenth, between Harvard street and Columbia road, northwest, on which odd-numbered property is located, is covered by a restrictive covenant running with the land for a period of twenty-one years. Sat. 9-20-47

The plaintiffs allege that all of the property covered by the covenant is still owned by white persons, except premises 2909 Thirteenth, which Veal owns, and 2911 Thirteenth, which plaintiffs say they are informed has been sold to colored persons.

They ask the court to enjoin Veal from moving into the property he has bought. They also ask an injunction to prevent him from owning, occupying, renting, or leasing it to colored persons, and that the deed of April 11. last, conveying the property to him be set aside and that title to the property be declared to be in Elmer E. Still, unless he is also a colored person.

First Step to Implement Civil Rights Suggestion

Attorney General Says His Office Wil Oppose Restrictions on Homes

WASHINGTON

The first step in an effort to implement recommendations of the President's Committee on Civil Rights in its recent report was taken Wednesday when the Justice Department filed a brief against restrictive covenants.

The Justice Department plans to oppose restrictions on the sale of property to colored people, Attorney General Tom Clark revealed. Afro-American

Oral arguments before the Supreme Court on several cases now before this august body will be heard during the present term, which ends next June.

2 Washington Suits

Among the covenant cases now before the Supreme Court are two Washington suits involving property in the unit block of Bryant Street. Baltimore, Md.

Mr. and Mrs. James M. Hurd bought property at 116 Bryant St., N.W., from Francis X. and Mary Ryan, white, in May of 1944.

Robert H. Rowe, 118 Bryant St., Herbert E. Savage, 134 Bryant and Pauline B. Stewart, 150 Bryant St., bought their homes through Raphael G. Urciola, white.

Frederick E. Hodge, white, 136 Bryant and three of his neighboring friends, Marche Jiani, Pasquale De Rita and Alvina Gincola, all of foreign descent, filed suit against the Ryans and Urciola, charging they violated provisions of a covenant banning the sale of property in the block to colored persons. Sat. 11-15-47

Hodge and his neighbors asked the court to uphold the validity of the restrictive covenant and oust the Hurds, Rowes, Savages and Miss Stewart.

The Supreme Court has already decided to review these cases and others throughout the country, particularly in St. Louis and Detroit.

The President's Committee reported:

"Under rulings of the Supreme Court it is legally impossible to segregate housing on a racial or religious basis by zoning ordinance.

"Since minorities have been forced into crowded slum areas and must ultimately have access to larger living areas, the restrictive covenant is providing our democratic society with one of its most challenging problems.

"There is eminent judicial and professional opinion in this country that our courts cannot constitutionally enforce racial restrictive covenants.

"In a recent California case, a lower court judge held that the courts could not enforce such an agreement . . ."

Edgerton Opinion

Justice Henry W. Edgerton of the United States Court of Appeals for the District of Columbia, the court from which the District cases were appealed to the highest court, in a dissenting statement to the majority vote, stated:

"Suits like these and the ghetto system they enforce are among our conspicuous failures to live together in peace.

"The question in these cases is not whether law should punish racial discrimination, or even whether law should try to prevent racial discrimination, or even whether law should interfere with it in any way. 11-15-47

"The question is whether law should affirmatively support and enforce racial discrimination."

It so happens in the Washington cases that out of 31 property holders in the unit block of Bryant St., 11 houses have been owned and occupied by colored people for over 15 years.

Two Hotels Deny Doby and Jones Rooms With Team

Journal & Guide, Norfolk, Va.

Sat. 8-2-47

WASHINGTON, D. C.—(NNPA) — Louis Jones, assistant public relations director of the Cleveland Indians, and Larry Doby, whom the Indians recently acquired from the Newark Eagles, came to town last Thursday night from Philadelphia and were housed here with the other members of the team at the Statler Hotel.

It was learned that these two members of the Cleveland aggregation will stay in the same hotel with the others except in Chicago and St. Louis. Reliable sources said that the Del Prado Hotel and the Chase Hotel in St. Louis had refused accommodations to the Cleveland management for Jones and Doby. Sat. 8-2-47

Doby did not get into the game here last Thursday night which the Washington Senators won, 5-1. He warmed the bench throughout the game but was mobbed by autograph seekers when he crossed the field from the Cleveland dugout after the game.

CITES DIFFERENCES

In an interview at the Hotel Statler, before the game, Doby said he did not see much difference between the pitching in the American League and that in the Negro American League, except that Orval Grove pitched him the first sinker he had ever seen in the game at Chicago in which Larry made his debut.

Sitting on the bench is making him restless. He thinks that it is also having its effects on his batting eye and his fielding. He says he notices the effects in fielding and batting practice. He is resigned, however, to a bench-warming spot until he gets an opportunity to break into the game.

Most of the members of the team have been very nice to him, he says, and have given him some tips on the finer points of baseball.

Doby's wife was here with him.

49 1 47

Florida

Race Is Being Squeezed Out Of Miami Area

The Courier Pittsburgh, Pa.
Sat. 8-30-47

MIAMI—Despite the fact that in the Miami area more shelter units per capita are being built than in any other metropolitan center in the United States, according to the conclusion of Paul Hinds, executive manager of the Associated General Contractors of America, no sites for building Negro homes in this area can be found.

WORSE OFF THAN EVER

Negroes in Miami and vicinity are worse off now than they were ten years ago, when the county's resettlement plan was proposed, because of the congestion and slum condition in the colored section.

An interracial committee of prominent Negroes and whites is endeavoring to secure areas for the homes. However, some members of the community have expressed the opinion that the committee should be augmented with persons, representative of the masses, who are more familiar with the true condition of the slums.

8-30-47
The Courier

All indications are that the sites, when found, will be miles away from the city limits and with poor transportation facilities. The plan of the committee and the planning board indicate that they will eventually relocate the Negro community outside the city limits because the whites feel that colored residents in the city are in their path of so-called "logical white development."

Sat. 8-30-47

BEING OVER-CHARGED

As a result, real estate promoters are over-charging Negroes for lots in various parts of South Florida within a radius of approximately thirty miles from Miami. Most purchasers of these lots have never seen the land, on which no efforts have been made to put streets, sidewalks, lighting, sewage or other developments.

Pittsburgh, Pa

These lots being away from the city, their occupants will have to live far from places of employment, schools and recreation.

Arsonists Burn 2 Miami Homes

Courier Pittsburgh, Pa.
Sat. 10-25-47

By JOHN A. DIAZ
(Courier Florida Bureau)

MIAMI, Fla.—Strongly earmarked as the work of incendiarists, shortly after midnight last Tuesday, two houses owned by Mr. and Mrs. Ezekiel Woodard, at 1448 Seventy-fifth Place, were fired and burned down by persons who apparently do not want Negroes to live in the area recently opened to them.

10-25-47

The Woodard family escaped with their lives from one house. The other was unoccupied.

Courier

The Woodards had moved into one of the houses on the lot only on Tuesday and the other, not occupied when burned, two weeks previously. Residents in the occupied residence were the Woodards, their children, and their grandchildren, ten persons in all.

GASOLINE CANS FOUND

One man, Love Banks, sustained a cut arm while rescuing his automobile. The home was completely destroyed. Two five-gallon gasoline containers not belonging to the Woodards was found on the premises during investigation after the fire. The empty house was also completely burned down.

Negro organizations have held executive and mass meetings to protest against this evident arson, and facts are being gathered with a view to prosecution. Some white persons are as indignant over the apparent crime as Negroes are.

Mr. and Mrs. Woodward were among the scores of Negro families who were recently evicted from "Railroad Shop Addition," the residential area that was condemned by court action in order that whites might have it for the building of schools for their children.

At the time of the mass eviction it was well known by authorities that Negroes were not wanted by the whites in other districts, and they would have a hard time finding space on which to build after getting paid for their properties.

Most of the evictees are still over-crowding relatives' and friends' homes, in spite of the fact that they were well-paid for their properties.

10-25-47

The National Association for the Advancement of Colored People is sponsoring a mass meeting, Wednesday, Oct. 29, at 8 P. M., to be held at Greater Bethel AME Church on Eighth Street, Northwest, where the Rev. W. H. Fayson is pastor.

WHITES SYMPATHETIC

Specific purpose of the meeting to which all interested persons, colored and white are invited, is to raise funds for Mr. and Mrs. Woodward, to build another house. There will be colored and white speakers.

The Negro Citizens Service League also has planned an interracial mass meeting to be held in another church.

49 1947

General

History of Housing Covenants Outlined by Miller on Eve of High Court Hearing

Afro American, Baltimore, Md
49 Gen.
Sat. 12-6-47

Noted Lawyer Sees Progress in Willingness of Tribunal to Review First Case in 26 Years

NEW YORK (ANP) — Monday, Dec. 8, is a day of unusual significance to minority groups all over the country, for it marks the opening of hearings on the constitutionality of racial restrictive covenants by the U.S. Supreme Court—the first presentation of this issue since 1926.

What the real import of the high court's decision will be, is discussel by Loren Miller, vice-president of the National Bar Association and member of the NAACP legal committee, in an article, "Covenants for Exclusion," appearing in the current issue of the Survey Graphic.

Declaring that the first attempt to impose residential segregation by law was not made in the South but on the West Coast, he says:

"Race restrictive covenants are, in the field of residence, the end result of that impulse toward racial segregation which arose in the post-reconstruction periods and has continued almost unabated down to our own time.

Plague to Colored Peoples

"Thereby hangs a tale which has plagued the colored peoples and which encroached on the residential well-being of the Indians, Filipinos, Chinese and the colored people—the latter group perhaps being more affected by the resulting residue."

He points out that this particular type of discrimination started with the mass migration in 1914 from the South to Northern urban centers and voices his opinion that the "Corrigan vs Buckley case in 1926 did more than anything else to start a wave of upholding racial restrictions in America."

Afro-American

The case concerned Washington property owners who entered into an agreement whereby no signer would sell to colored persons. One signer broke the agreement, the man, to whom he sold, later was sued to reinstate the signers to their original status.

Baltimore, Md

Used by Appellate Courts

The Supreme Court's decision was so heavily weighed with legal terminology that some 16 or more States, through appellate courts, were enabled to uphold race restrictions.

The high court itself did not directly uphold the constitutionality of state court's enforcement of racial covenants, but it has consistently refused, in 26 years, to review cases brought before it.

Sat. 12-6-47

Hence, the granting of the Dec. 8 hearing is considered a milestone for the case against restrictive covenants.

Miller will figure prominently in one of the suits for which he filed a brief "in behalf of the Michigan property owner who was ordered to vacate his property because the land upon which it stood was protected against occupancy by any but Nordics."

HOME COVENANTS IN U. S. SURVEYED

New York, N.Y.

Missionary Group Told Statutes Could Aid Minorities but Might Not Be Applied

12-13-47

The race relations department of the American Missionary Association declared yesterday that the Civil Rights Act and the Constitution could protect minority groups against unfair treatment in housing, but might not be applied.

Howard H. Long, associate director of the department, and Dr. Charles S. Johnson, president of Fisk University, reported to the association "in the event that existing racial controls are relaxed, nothing on the order of a mass migration of Negroes, Jews and other minorities into exclusively Caucasian areas is possible." They said economic conditions, nearness to employment and neighborhood preferences might enter into the decision of a particular family for a given location and make all changes relatively gradual.

The report asserted that race-restrictive covenants were social rather than individual and a form of planned and organized group action frequently involving both corporations and chartered organizations. The writers viewed such restrictions as an expression of public policy on a national scale at present "only half-grown" and lacking in the highest levels of authority and national leadership. Collusion was seen in sponsorship of covenants by land-development companies, real estate boards, exchanges, financing agencies and improvement associations.

Action Against Group Seen

"Covenants are a form of group action against the interests of another group of people rather than against individuals," the report said. "If specific individuals were involved, the case might be different. Whenever court injunction is brought to bear, it is thus apparent that official sanction is given to wholesale indictment of a group of people solely because of their race or religion.

"In effect this is essentially the same principle as special group legislation, something which has been scrupulously and determinedly avoided in the development of the nation's most fundamental legislative and constitutional precepts."

The department reported that it had studied 600 racial restrictive housing covenants in St. Louis and Chicago. The majority in Chicago appeared after 1925, in the period following World War I when the migration of Negroes to that city was heavy. Covenants appeared in St. Louis under a migration that was pronounced in 1920. One hundred and seventy such agreements were drawn up between 1920 and 1924 and 116 in the four years following 1925.

The Negro population of the two cities rose from less than 100,000 in 1910 to nearly 400,000 in 1940. St. Louis was estimated to have 559 blocks formerly or at present covered by race covenants. While restrictions on 142 of these blocks have expired, change has been slowed by the refusal of white owners to sell their properties or to move to new areas, it was said.

The investigators estimated that 40,000 Negroes in Chicago, St. Louis, Detroit and Cleveland were forced to live with other families as boarders or by doubling up. Detroit was said to have 19,147 Negroes living under such conditions.

Housing Conditions

The authors of the report charged that Negroes generally were forced to occupy housing of poor quality. They declared that in five large cities of the United States 17.9 per cent of the housing occupied by non-whites needed major repairs, compared with 5.9 per cent of all units.

"In Chicago," the report said, "more than one-fifth of the Negro-occupied units were without flush toilets and in St. Louis four out of every ten non-white dwelling units lacked essential equipment.

A St. Louis broker explained that interest rates for Negro loans were a standard 6 per cent, whereas white loans could be obtained for as low as 4½ per cent.

"Insofar as racial restrictions are effective in blocking-in Negro families from settlement in so-called white neighborhoods, the school districts in Negro areas carry a heavy burden of overcrowded congested public schools."

The Highway

by Charles H. Houston

Afro-American

The stage is set for argument in the U.S. Supreme Court, next January, of the racial restrictive covenant cases, to determine whether it is constitutional for the courts to enforce private agreements excluding colored people and other minority groups from land because of race or creed or national orgin.

Baltimore, Md

The cases will determine whether this country puts official sanction on ghettos or whether it will practice the democracy it preaches.

Sat. 12-13-47

These cases are so important to the national unity and international relations of the United States that the Department of Justice has filed a brief declaring that enforcement of the covenants violates the Constitution, and the argument will be opened by the Solicitor General of the United States in person.

Tide Against Segregation

Right now the tide is running against segregation. In spite of the fact that thousands upon thousands of power-and-pride drunk white people in this country think the white man is still king of the earth, the leaders of this country know they have to move and operate in a world two-thirds of which is non-white.

And they further know that in the next world war if all the colored peoples of the earth are against the United States this country won't have a ghost of a chance.

So they are doing their best to stem the tide of prejudice and segregation, and show the colored peoples of the world that this country can be sincere in its protestations of democracy.

The following organizations have already filed briefs asking that the covenants be outlawed: (1) The CIO; (2) the National Lawyers Guild; (3) the Civil Liberties Department of the Elks (IBPOE of W); (4) the Non-Sectarian Anti-Nazi League to Champion Human Rights; (5) the General Council of Congregational Christian Churches, Board of Home Missions, Council for Social Action and the Committee on Church and Race, Congregational Christian Churches; (6) the American Indians Citizens League of California; (7) The American Veterans Committee; (8) the American Jewish Congress; (9) the Japanese American Citizens League; (10) the California Amici Curiae; (11) the American Jewish Committee, B'nai B'rith, Jewish War Veterans of the United States of America, Jewish Labor Committee; (12) the St. Louis Civil Liberties Committee.

More will be filed before the argument; but do not expect any thing from the American Legion.

Backed by Real Estaters

The National Association of Real Estate Boards has filed a brief in support of the covenants. The real estate boards, citizens associations and so-called neighborhood improvement associations are the chief forces behind the covenants.

Out in California the Presidents and Secretaries Council of the San Fernando Chamber of Commerce is trying to plaster the whole San Fernando Valley with restrictive covenants.

12-13-47

When the Japanese, who were evacuated at the outbreak of World War II, returned to South Pasadena they found the area almost completely blanketed with restrictive covenants.

If some of the real estate Hitlers had their way all the minorities would be driven into the sea.

Racial restrictive covenants did not come into prominence in this country until after 1917 when the Supreme Court ruled in the great case of Buchanan v. Warley, coming up from Louisville, Kentucky, that a city could not pass a zoning ordinance setting aside certain blocks for colored.

Began After 1917

When the court knocked out public zoning, the real estate boards and neighborhood associations worked out the program of having the white property owners agree among themselves not to sell, lease, transfer or permit colored people to own or occupy the covenanted property.

The restrictions spread from colored to include Indians, Mexicans, Jews, Chinese, Japanese, and everybody else who is 'non-Caucasian' — whatever that may mean.

Covenants ring the colored residential area on every side in Washington, so that any time a colored family buys a piece of property in the Northwest which was not already occupied by colored before-hand (which also came up from the District of Columbia).

Afro American

Let us pray we

Covenants in 2 Cities Rob Group of Space for 50,000

Baltimore, Md

NASHVILLE, Tenn.—Race covenants and other restrictive housing practices by neighborhood and real estate groups have withdrawn from use by minorities, in two major cities, land space and dwelling units equal in size to a city of 50,000 persons. 12-27-47

This was revealed last week by the Race Relations Department of the American Missionary Association at Fisk University which made a two-year study of the problem, released in book form by the Fisk University Press under the title, "People vs. Property."

Direct inspection of 600 deeds in St. Louis and Chicago, the most comprehensive effort to date, showed that 17 square miles of land had been blanketed against use by racial minorities.

The study showed that the restricted area in St. Louis covers 559 city blocks and is greater than the city's combined park space, and the restricted area on Chicago's Southside is larger than the present section inhabited by colored people.

Threat to Democracy

Herman H. Long and Charles S. Johnson, co-authors of the study and directors of the association's race relations department, indicate that the restrictive covenant practices have brought "a complication rather than a clarification to the problem of adequately housing all of the people."

They emphasize also that they have brought a "disturbing threat and challenge to the democratic tradition itself."

Inspire Tension

Their report declares that restrictive housing policies and practices have increased racial tensions and fears, and "sought to establish the principle of racial exclusion and isolation as a desirable technique of adjustment."

In addition, they assert:

"There has yet to come either through channels of Federal government, State legislation, or enactments of policy by private and local groups, any forthright statesmanship on the problem to raise the issue out of the quagmire of prejudice, confusion and hysteria."

Use of Covenants Increased

The study shows an increase in the use of race restrictive housing measures since 1910 which has come largely from heavy migration of colored people to Northern cities.

A chart showing this relationship indicates that the population trend was as early as 1910, but that the bulk of covenants came between 1920 and 1930 to counteract neighborhood expansion of the new migrant population.

While the colored population in Chicago and St. Louis was being doubled during this period, the number of restrictive housing covenants increased by more than 120 times the number in 1910.

Since 1940, new waves of colored migration to the North have renewed and expanded the use of restrictive measures, according to the report.

55 Groups Surveyed

Fifty-five neighborhood improvement associations and related groups with a total membership of 15,795 were surveyed in Chicago and Detroit, and six out of every 10 were found to be actively engaged in sponsoring and enacting race restrictive covenants.

More than 85% of the groups reported objections to the presence of colored people in the neighborhiod; almost a third included Japanese, Chinese, and other Mongoloid groups, while a smaller but significant proportion also included Jews, Mexicans, Italians, Poles and Greeks.

COVENANTS

What Does a Judge Do When Law Seems to Say He Must Break Up a Family?

By HORACE R. CAYTON

(The views expressed in this column are those of the writer and do not necesiarily express the editorial opinion of The Pittsburgh Courier.—The Editors.)

Courier

I WASN'T there but I heard about it. It's about a restrictive covenant case in which the judge's decision called for the wit of Solomon. Believe me, this judge was no Solomon.

Here's how the story goes. A white girl married a colored man and as those things go, after a respectable period of months they had a baby. That baby wasn't white and it wasn't colored. Maybe that's beside the point, but again, maybe it is the point.

Mr. Cayton

This couple had a lot of progressive white friends and they went in together and got a cooperative apartment house, but here is the catch. The house that these people all purchased together was covered by restrictive covenants. Somebody discovered the fact that there was a colored gentleman in the woodpile—or, I should say, apartment building — and wanted to kick him out.

* * *

THE CASE finally got to court and the judge, who was not great shakes for liberalism, decided to kick him out. But the couple's white friends rallied to his support. You know there are always some liberals, God bless 'em, and there are getting to be more and more.

So a lawyer took up the case and asked the judge the very pertinent question as to who should be kicked out—the colored husband, the white wife who owned the cooperative apartment, or the half-white baby.

Pittsburgh, Pa,

WELL, THE JUDGE had the answer for that and he said, "the colored husband." After all, a restrictive covenant is a restrictive covenant, and a Negro is a Negro. Theres' no mistake about that. Further, "the law," said the judge, "is the law." He had no alternative.

Then the lawyer moved in farther. "Okay," he said, "was the judge willing to break up a family? What was going to happen to the baby? And what was going to happen to the sacred institution of marriage? Where would the wife live. Where would the baby live?" At that point the judge hastily recessed the court. He was no Solomon, you know, and he had to think about the Negro vote. And then I guess the guy was just plain confused. I wouldn't know how to handle it. Sat. 12-13-47

So you see these restrictive covenants are pretty vicious things. They can break up a family and they can cost a judge his judgeship. They can do all kinds of things to human beings who are just trying to live together.

THERE IS A concerted effort on the part of a number of lawyers from California to New York to bring these cases up before the Supreme Court. Bob Ming, Negro professor at the University of Chicago, is working on them, and Loren Miller, way out in California, is also in there pitching. That's the legal end. But there's going to be something different in this case.

There's going to be a sociological brief and the American Council on Race Relations is preparing it. They are employing such experts as Dr. Harry Walker and Dr. Robert Weaver who, incidentally, is writing a book on housing. Sat. 12-13-47

THIS BRIEF will show the sociological slant to supplement the cold legal letter of the law. It will show how population movements follow a pattern and how Negroes are locked into a black ghetto. It will show how all ethnic groups move out from the periphery of the city to the better neighborhoods as they get jobs that pay more and become acculturated to city life.

This sociological brief will show all that. But I hope it will also show what happens to people and what happens to this couple who are just trying to make a decent life together. I even hope it will show what happens to a judge who isn't a Solomon.

49 1947

General

Detroit And St. Louis Petitions Up

Daily World
Sun. 6-29-47
Atlanta, Ga.

Arguments To Come Sometime In Fall Months

WASHINGTON, D. C.— (NNPA)—The United States Supreme Court last Monday decided to review two cases involving racial restrictive covenants.

It granted petitions for review in the case of J. D. Shelly, Mrs. Ethel Lee Shelly, his wife, and Josephine Fitzgerald, who were enjoined from occupying property they had bought in Detroit.

Arguments in the McGhee case was assigned to follow the argument in the Shelly case. The two cases will be argued sometimes next fall.

Justice Stanley F. Reed took no part in the consideration or decision of the applications for review

In the Shelly case the Supreme Court will review the opinion of the judgment of the Missouri Supreme Court rendered December 9, last, reversing the judgement of Circuit Judge, William K. Koerner in favor of the Shelleys.

1945 PURCHASE

The Shelleys purchased their home August 11, 1945, pursuant of an earnest money contract previously executed by them. They paid the sum of $5,760 in cash and deeds of trust for the property.

Louis Kraemer and his wife, Mrs. Fern W. Kraemer, filed suit October 9, 1945, in the Circuit Court of St. Louis to enjoin the Shelleys from taking posssession of the property. They claimed a restrictive covenant, covering the poperty fronting on Labadie avenue, between Taylor Ave on the east an Cora avenue on the west, existed and prevented colored persons and Mongolians from occupying that property for a period of fifty years.

The Shelleys, in answer contended that they were entitled to the property under the federal civil rights statutes and the Fourteenth Amendment to the Federal Constitution. Sun. 6-29-47

They also contended that the restrictive covenant had been executed to aid in the segregation of ed people in St. Louis were restricted tants of the city, thus contributing to overcrowding in certain areas of the city, ill health, crime and delinquency. They pointed out that colored people in St. Louis weer restricted to an overcrowded ghetto, housing more than 117,000 persons in an area comparable in size to the one occupied by colored people in 1940 when there were only 40,000.

INJUNCTION DENIED

The Circuit Court denied the injunction holding that the restrictive covenant violated the federal civil rights law, and dismissed the case. Upon an appeal the Missouri Supreme Court reversed the decision.

The questions raised in the United States Supreme Court are whether the restrictive covenant is void since it conflicts with rights conferred by the federal civil rights laws, whether enforcement of the covenant by the State deprives the Shelleys of due process, whether the decision in the Louisville city ordinance case holding an invalid an ordinance prohibiting colored persons from living in a block where the majority of residents were white, is applicable to this case whether the Missiouri Supreme court deprived the Shelleys of full and equal benefits of laws and proceeding for security of person and property as are enjoyed by other citizens.

George L. Vaughn and Herman Miller, St. Louis lawyers, are representing the Shelleys. Sun. 6-29-47

FRIENDS OF COURT

The St. Louis Civil Liberties Committee filed a brief as friends of the court "because the problem of racial discrimination is a amost serious threat to American civil liberties adding that "In the development of a sound democracy it little matters that the discrimnation exercised is overt or discreet. In either event basic freedoms guaranteed by the Bill of Rights are undermined."

The brief of the St. Louis Civil Liberties Committee argues that "Restrictive covenants of the character here in issue may on their face appear to be merely private expressions of intolerance. If they were merely such, they would not concern us, however deplorable the sentiments expressed. When, however the State is requestde to enforce them to the injury of a minority the problem becomes public and intimately involves the purposes for which this orginazation was established."

The brief also asserts that the decision of the Missouri Supreme Court violates the terms of international comitments of the United States, which as treaties, are made part of the supreme law of the land; constitutes dangerous undermining of this government, and causes other nations to question its good faith in entering into such commitments. Sun. 6-29-47

NAACP Lawyers Fight Jimcrow Housing

Daily Worker, New York
Mon. 9-8-47 N.Y.

The fight against real estate Jimcrow is among the most important fights facing the American Negro people, Gov. William H. Hastie, of the Virgin Islands, told a lawyers conference against restrictive covenants at its closing session here Friday. The parley was sponsored by the National Association for the Advancement of the Colored People.

Hastie, a lawyer himself, said: "The battle against restrictive covenants and the battle to break down the white primary are the biggest battles Negro Americans face in this generation."

Mon. 9-8-47

The lawyers representing a dozen labor, civic, lawyers, and peoples groups came from as many states and cities to prepare a legal attack on covenants this fall in the United States Supreme Court.

The covenant or restrictive agreement has been considered for long among the most dangerous things facing Negroes and the progress of American racial democracy. Increasing in incidence during World War II they are the attempt of individuals to place upon land which may cover an area as large as a city's sub-division, a complete bar to any residence by persons other than those named in the agreement

Thus as in Chicago, entire Negro communities can be walled in by a solid wall of covenants which hold them in slums and ghettoes just as securily as physical repression. Mr Roy Wilkins of the AACP has estimated that 80 percent of Chicago's residential districts area is restricted. Even the Chicago Real Estate Board has admitted to 40 per cent while some quarters set the figure at 95 percent.

A recent survey showed that during the war when Chicago's war swollen population created a critical housing shortage, large areas immediately adjacent to the South Side, that city's Negro community remained and still are boarded up because of covenants.

In New York City the United Negro and Allied Veterans uncovered several boarded up buildings right in the heart of Harlem that had bars against Negroes. At the present time an appeal to the Appellate Division scheduled for October seeks to break a covenant on property in St. Albans, Queens. Last Spring Judge Jacob H. Livingston of the Queens County Supreme Court gave a decision enjoining white property owners from transferring the property to a Harlem Negro businessman who wanted to buy it from them. The case Kemp vs. Rubin is being handled by Mr. Andrew Weinberger who participated in the conference.

Covenants have been enforced in the lower courts in California against Japanese American veterans, Filipinos, Negroes, Mexicans, and Italians. The Supreme Court of Michigan last March finally upheld a decision made in 1926, refusing to reconsider the validity of a court order forcing Negroes out of homes that had been voluntarily sold them.

Mon. 9-8-47

And in Columbus, Ohio, the Negro minister of the interracial congregation of the Monroe Avenue Church has been forced out of its rectory by a local bank because of a covenant The bank's lawyers base their case on the fact that covenants can restrict the use of property for houses of prostitution. "Yet even prostitutes are a class of our citizenry. If one class may by contract be denied the privilege use and occupancy, why not another. . ."

The high courts of 16 states and the District of Columbia have upheld injunctions enforcing restrictive covenants. Rarely have these cases been fought to the U. S. high court but now two cases are on its fall docket. McGhee vs. Sipes arising in Detroit, Michigan, and Shelley vs. Kraemer arising in St. Louis, Mo.

Mon. 9-8-47

The lawyers point out that the 14th Amendment says "No state shall . . deprive any person of life, liberty or property without due process of law or deny to any person the equal protection of the laws." They hold that this applied to state courts and makes illegal the enforcing of contracts attempting to do something the Legislature can't do.

The American Jewish Congress through its Executive Committee chairman Rabbi Irving Miller has asked the Department of Justice to file amicus (friend of the court) briefs in the pending cases. In a letter to Attorney General Tom C. Clark on Sept. 4, he pointed out that President Truman on June 29 today means not protection of the people against the government, but protection of the people by the government."

Sun. 9-6-47

Court's decision was restrictive covenants and kindred
y the Missouri State devices.
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owledged that the cramp the liv-
ing space available to colored and
ns of colored people in force up rents and selling prices
presented "a grave in colored areas that colored per-
and sons are found in Chicago congest-
m" to the whole com- ed to the extent of 90,000 to the
Congestion Results square mile.
In Harlem, a single city block in
more and more 1934 contained 3,781 persons.
ial is becoming avail- Small wonder that such congest-
the actual effects of ed buildings, old and inadequate to

Restrictive Covenants Hurt Whites as Much as Us

Afro-American
Supreme Court to Rule on State Decisions;
No Real Protection

By CHARLES S. JOHNSON
for ANP

Sat. 9-6-47

owners have to go into court to ask
the State to help them enforce
the covenant and is, therefore, un-
constitutional.

Contrary to Public Welfare

The other point is that restrictive covenants have such an unwholesome effect upon community living that they should be outlawed as contrary to public policy and welfare.

This point was apparently the basis on which a lower court in Missouri refused to enforce a covenant in one of the cases which is now to come before the Supreme

WASHINGTON

This fall, the Supreme Court of the United States will review lower court decisions in two cases involving racial restrictive covenants on residential property.

In recent years, lawyers have advanced agruments against restrictive covenants on two lines, and judges in some of the lower courts have agreed with them.

The first is that private action when the property owners to bar colored persons from certain areas becomes state action

A judge in a California district court denied enforcement of a restrictive covenant on this basis.

The lower court was reversed by the Supreme Court, although the court acknowledged that conditions of living in some of the cases which St. Louis presented "a grave and acute problem" to the whole community.

Extreme Congestion Results

Fortunately, material is now to come before the Supreme

begin with, deteriorate in these conditions of over-use.

Property Owners Not Protected

As a matter of fact, just about the only thing the covenants do not do is to give real protection to the frightened property owners who signed them.

For in time it happens as it did in Chicago's Washington Park district, that the pressure for living space becomes overwhelming, and some property owner or real estate dealer can no longer resist the temptation to sell at a good price to a colored purchaser.

Once the dame is broken, the exodus of white property owners begins. Sat. 9-6-47

Not colored occupancy but fear causes them to sell at any price, And since the barriers are set up again a little father off, the old cycle of congestion and over-use begins again.

The Supreme court judges may or may not decide against racial restrictive covenants in the cases they are to hear this fall.

But some day the inhabitants of our cities will recognize that the operation of these restrictions creates a center of civil decay which as surely threatens the whole community as a rotten apple threatens the basket-full.

From the moment of this recognition, restrictive covenants will be doomed.

Supreme Court And Restrictive Writs

Atlanta Daily D.
ued, Atlanta Ga. Sun. 9-7-47

By CHARLES S. JOHNSON
FOR ANP

THIS FALL, the Supreme court of the United States will review lower court decisions in two cases involving racial restrictive covenants on residential property.

The decision of the Supreme court to review these two cases is a significant forward step in the effort to bring before the court and the public the issue of restrictive covenants. Two years ago, the court declined to review a similar case, indicating that at that time the majority of the two judges agreed with lower court findings that restrictive covenants entered into by private owners did not violate any provision of the constitution, although the Supreme court long since held that action by a city council or any kind of governmental body to bring about the same result—racial segregation in residence—violated the 14th amendment.

TWO ARGUMENTS Sun. 9-7-47

In recent years, lawyers have advanced arguments against restrictive covenants on two new lines, and judges in some of the lower courts have agreed with them. The first is that private action by property owners to bar Negroes from certain areas becomes state action when the property owners have to go into court to ask the state to help them enforce the covenant, and is therefore unconstitutional. A judge in the California district court denied enforcement of a restrictive covenant on this basis. The other point is that restrictive covenants have such an unwholesome effect upon community living that they should be outlawed as contrary to public policy and welfare. This point was apparently the basis on which a lower court in Missouri refused to enforce a covenant in one of the cases which is now to come before the Supreme court. The lower court's decision was reversed by the Missouri State Supreme court, although the court acknowledged that the living conditions of Negroes in St Louis presented "a grave and acute problem" to the whole community.

If the Supreme court judges become convinced of the real and damaging effects of restrictive covenants on the living conditions of Negroes and the processes of city growth, there is a good chance of a decision which will make these covenants illegal in the future. The difficulty is that in the ordinary course of events, neither the judges nor the individuals who sign the covenants have an idea of the real effects of the system as a whole. This can be seen from the statements, pathetic in their ignorance and fear but tragic in their implications which are made by people who have signed covenants and are defending their position. Each one sees only his own situation, fears for the value of his property, asks "why should I make a sacrifice?"

TIGHT RING Sun. 9-7-47

Fortunately, more and more factual material is becoming available to show the actual effects of restrictive covenants and kindred devices. These studies show that the covenants, generally in a tight ring around the present areas of Negro residence, actually bar Negroes from much larger areas than those actually covered by covenants The habit of placing covenants on undeveloped areas frequently presents the development of public or private housing projects open to Negroes even when the funds are available and the builders ready. The covenants to camp the living space available to Negroes and force up rents and selling prices in Negroes areas that Negroes are found in Chicago congested to the extent of 90,000 to the square mile. In Harlem, a single city block in 1934 contained 3,781 persons.

Small wonder that such congested buildings, old and inadequate to begin with, deteriorate in these conditions of over-use. As a matter of fact, just about the only thing the covenants do not do is to give real protection to the frightened property owners who signed them. For in time it happens, as it did in Chicago's Washington Park district, that the pressure for living space becomes overwhelming, and some property owner or real estate dealer can no longer resist the temptation to sell at a good price to a Negro purchaser. Once the dam is broken, the exodus of white property owners begins. Not Negro occupancy but fear causes them to sell at any price. And since the barriers are set up again a little farther off, the old cycle of congestion and over-use begins again.

Jewish Body Hits Covenants

Afro-American
Baltimore, Md
Sat. 9-13-47

Maps 3-Point Plan Against Segregation

A three-point program of action against racial and religious discrimination in housing is being undertaken on a nationwide front by the Anti-Defamation League of B'nai B'rith, it was announced by Ben. J. Goldman, director of the Chicago office.

The League's program will be reflected in an intensified effort to eliminate restrictions in occupancy and ownership of property in the Chicago metropolitan area, said Goldman.

Hits Covenants

The League's campaign, intended to stimulate public opinion against the "segregation and ghettoization" of minority groups and to erase racial and religious restrictive covenants in real estate deeds and leases, was outlined by Justice Meier Steinbrink of the New York State Supreme Court, national chairman of the Anti-Defamation League. It includes:

1. Use of legal action, wherever possible, to test in court the League's contention that restrictive covenants and other discriminatory techniques in housing violate constitutional guarantees.

2. Support of legislation—federal, state, and municipal—designed to outlaw discriminatory agreements and practices. The League is presently preparing a model bill to be suggested to the next session of the New York State legislation. Similar legislation will be recommended in other states.

Adult Education 10-18-47

3. Introduction of an adult educational program on the community, or "grass roots" level to acquaint the public with the evils of discrimination in housing and to mobilize the inherent fair play of the America npeople.

Impetus for the League's campaign, said Justice Steinbrink, arose from the recent "Tushin case" in which a dissident faction of five out of 52 families in Bannockburn, Md., a suburban subdivision near Washington, D. C., instituted a lawsuit seeking to compel a non-Jewish wife to force her Jewish husband to move from their jointly-owned home in an allegedly restricted neighborhood.

The Highway

Afro-American
Baltimore Md

by Charles H. Houston

Strong efforts are being made to have the Attorney General of the United States file a brief amicus curiae in the racial restrictive covenant cases in the United States Supreme Court, to put the Government on record before the court that in its opinion the enforcement of racial restrictive covenants violates the law and public policy of the United States.

The phrase "amicus curiae" is Latin for "friend of the court." It means a person who is not a direct party to the case under consideration but who wants to get in and have his say because he is interested and may be affected by the decision. 10-11-47

Embarrass U.S. Abroad

In these restrictive covenant cases one argument for urging the Attorney General to file a brief amicus curiae on behalf of the Government is that the perpetuation of racial discrimination and segregation through enforcement of these covenants is embarrassing our diplomatic and commercial relations with other countries.

Among the organizations which have already laid before the Attorney General their pleas that the Department of Justice declare itself against enforcement of racial restrictive covenants are the American Civil Liberties Union, Anti-Defamation League, NAACP, Congregational Board of Home Missions, American Jewish Committee, American Council on Race Relations, CIO, American Jewish Congress, Civil Rights Congress, B'nai B'rith, the National Bar Association and many others.

Information which cannot now be disclosed also indicates that several departments and agencies of the Government itself have officially requested the Attorney General to file a brief.

Many of the private organizations in addition to urging the Attorney General to file a brief are filing briefs amicus curiae themselves. Sat. 10-11-47

No Neighborhood Squabble

These briefs amicus curiae show the Supreme Court that this issue of racial restrictive covenants is not merely a neighborhood squabble as to who may live on the east side of the street in Chitterling Bend, but a vitally serious problem of nation-wide interest.

In fact, the device of restrictive covenants not only constricts colored people within urban ghettos, but is used to segregate and exclude other elements of the population from decent housing.

All minority groups such as Indians, Japanese-Americans, Orientals, Mexicans, Jews, Assyrians, etc., etc., are hit from time to time.

The traditional policy of America, as the melting pot of nations, has been replaced by a racial restrictive policy of segregation, restriction and ghettoization.

These covenants are not confined to city property. Practically every bit of desirable beach or vacation property is plastered with racial restrictive covenants against one group or another.

Unless the enforcement of racial restrictive covenants is stopped, colored people and other minority groups will be barred not only from decent urban housing but also from all desirable rural territory.

America today — racial restrictive covenants prohibiting the ownership and use of real estate solely because of race, creed, color or national origin.

Afro-American

This is the reason why so many pernicious device of prejudice in America is stopped, organizations are putting pressure on the Attorney General to stand up for democracy and right when the Supreme Court against the most

THE HOUSE WE LIVE IN

Tactics of North And South Differ On Housing Issue

Courier, Pittsburgh, Pa.

By HORACE R. CAYTON

(The views expressed in this column are those of the writer and do not necessarily express the editorial opinion of The Pittsburgh Courier.—The Editors.)

Sat. 11-15-47

THE location of the house you live in, or can get to live in, differs a great deal according to whether you are in the North or South. It is one of the curious quirks of this mixed-up American democracy that the South is more liberal on this score. Believe it or not, my friends, but I can prove it.

Mr. Cayton

A few years ago, it didn't matter where a Negro lived in the North. The brothers were scattered all over cities like Detroit, Chicago, Los Angeles, Philadelphia and Seattle. Of course, there were a few of the larger cities where there was a ghetto, but it existed more from choice, like the immigrant communities. At all times you would find a liberal sprinkling of Negroes in some of the "best" residential sections. but it ain't like that any more.

* * *

SINCE THE FIRST World War there has been a concerted effort to force Negroes in Northern cities to a ghetto, a black belt, or a little Harlem. Here is the way it works. The white people, spearheaded by national and local real estate boards, have launched an all out legal fight to enforce restrictive covenants throughout the country. In case you don't know what these are, and you should; they are agreements written into the deeds of the property stating that no Negroes can ever rent, buy or live in the property covered unless they are servants.

But that wasn't enough. We have some rather smart lawyers, and from Los Angeles to New York the little property owners' associations, which have had a mushroomed growth in almost every lily-white community, found themselves in court defending restrictive covenant cases. So the big boys from whom they take their orders inspired a propaganda war and the organization of community newspapers, reactionary social organizations, and the like to create a black scare." A "black scare" differs from a "red scare" in that it is directed against Negroes rather than the left wing, and employs such dynamite as the terms RAPE, SYPHILIS, TUBERCULOSIS, and DIRT. The value of this "black scare" is that while the legal fight goes on, and the whites are afraid they might lose, Negroes who are eating a little higher up on the hog from moving into areas where they can now afford to live.

* * *

IF YOU HAMMER away long enough at one thing, you can establish your point even with the most illiterate people. Goebels and the Nazis proved that. So people not particularly prejudiced against Negroes feel that their most unattractive daughters will be violently attacked by a cultured, educated, and refined doctor if he lives two blocks from them. Then people always like to feel better than some one else and frequently members of other minority groups, who themselves have an inferiority complex, get satisfaction out of making war on a Negro actress who probably earns three times as much money as they.

I hold no brief for the South. And what I have to say comes not as an apology for that benign section of the country, but as a criticism of our wonderful Northland. But facts are facts and in the South, although Negroes are lynched, refused decent jobs, and are not called Mr., whites don't get panicky when a Negro moves into middle class neighborhoods.

11-15-47

AT THE MOMENT I am in Nashville, Tenn., staying at the home of a prominent Negro physician who has white neighbors on each side. When he bought his home, they didn't like it, I guess. However, they didn't have to whip up a mob to run him out of the area as a similar group did to seven Negro veterans in Chicago just a few weeks ago.

It is a crazy world we live in. I can't make any sense of it. Figure this one out for yourselves. All I can say is that I don't understand and I am going to take an aspirin and a Pullman back home tomorrow.

GHETTOS FOR AMERICANS

New Republic

Covenants. ". . . That no part of the premises shall ever be used or occupied by non-Caucasians except in the capacity of domestic servants of the owner or tenant of the property; or sold, conveyed, leased, rented or given to any but persons of the Caucasian race. . . ." New York N.Y.

This clause, in a deed recorded in White Plains, New York, on November 4, 1938, is typical of racial restrictive covenants which, in darkness and secrecy, have become commonplace throughout the US since Reconstruction days. 11-24-47

Now, for the first time in US history, the issue has been put up squarely to the Supreme Court. In December arguments will be heard on four cases involving tenancy and ownership by three Negroes and one Mohawk Indian. But the decision will determine countless other cases pending in different courts—a one-quarter-Indian woman in Hollywood, a Filipino student in San Francisco, a thrice-decorated and wounded Chinese war veteran in Los Angeles, a half-dozen Nisei veterans and their families on the West Coast. Mexicans and Armenians in New York, Jews throughout the nation and Negroes in Chicago, Cleveland, Washington and Los Angeles specifically.

The cases are so important that Attorney General Tom Clark has taken the unprecedented step of asking Supreme Court permission to present oral arguments showing that the covenants are unconstitutional.

New Republic

Growing problem. Restrictive covenants have increased greatly in the last few years. Most suburbs developed since the twenties have been ringed by racial covenants against potentially expanding Negro communities.

For years appellate courts have upheld the sanctity of discriminatory covenants, but a shift in judicial opinion was indicated not long ago by an eloquent dissenting opinion handed down in the US Court of Appeals of the District of Columbia. Judge Henry W. Edgerton wrote:

"Suits like these, and the ghetto system they enforce, are among our conspicuous failures to live together in peace. . . . The question in these cases is not whether law should punish racial discrimination, or even whether law should try to prevent racial discrimination, or even whether law should interfere with it in any way. The question is whether law should affirmatively support and enforce racial discrimination."

Isolated Areas Criticized

"But," the brief went on, "they have already expanded in large cities from coast to coast. They are responsible for the creation of isolated areas in which over-crowded racial minorities are confined and in which living conditions are steadily worsened.

"The avenues of escape are being narrowed and reduced. As to the people so trapped, there is no covenants on real property was incompatible with the Constitution and the laws, the brief asserted. Such covenants were of comparatively recent origin, it was added.

Newspaper, N.Y. 11-7-47

"This situation can not be reconciled with the spirit of mutual life in the accepted sense of the word. Liberty is a mockery, and the right to pursue happiness a phrase without meaning, empty of hope and reality.

"This is a way of life. The time has come to destroy these evils which threaten the safety of our free institutions." The brief then went on to point out the moral feature of the cases, the Government brief argued that specific deprivations and disadvantages arose from racial covenants. It quoted the Surgeon General of the Public Health Service to show the evils springing from "the artificial quarantine

Restrictive Covenants

Daily World Atlanta Ga

News of the suits which seek to outlaw the restrictive real estate "covenants" seeking to bar racial minorities from certain neighborhoods, should be of wide interest to all liberty-loving Americans and especially Negroes, who happen to be the chief, though by no means, the only victims.

Attorney General Tom Clark formally requested the high court last Monday permission to intervene in the cases. He said, and we think quite properly, that the issues which these covenants involve are so important that the decisions would have an impact "upon the lives and well being of millions of Americans."

Sun. 11-16-47

The two cases under review by the Supreme Court originated in Washington. Detroit and St. Louis. But while these three cities are being called to explain such restrictions, it is hoped that the results, provided they are declared unconstitutional, will set the pace and pattern for other cities where such practices are in vogue.

In the South and in the North too, most of the problems and tensions common to the present housing ills stem from these undemocratic covenants, which exist in spite of the fact that here is no constitutional grounds on which to support them. Under the terms, as the covenants have operated in the past, they provide that the property can be sold or rented only to members of the Caucasian race. In the three cases before the tribunal, Negroes have bought from white owners in violation of the covenant terms. In such cases lower courts have agreed that the Negroes must vacate the premises and give up their rights of ownership. We hope that the court will make a speedy decision and we hope too, that the decision will relieve the acute tensions which seem to mount in almost every large city in the Nation.

CLARK CONDEMNS RACE PROPERTY BAN

New York Times

Covenants Barring Negroes From Realty Zones Violate Liberty, High Court Told

Special to The New York Times.

WASHINGTON, Dec. 5—Racial covenants designed to prevent Negroes and other minority groups from owning real estate must be held against the law, the Federal Government declared in a brief filed in the Supreme Court today. but with Supreme Court permis-

The documents, submitted by Solicitor General, outlined the Government position in the racial covenants cases tentatively set for argument next Thursday and Friday and Philip B. Perlman, the new Solicitor General, will speak for the Department of Justice in the one hour given to the Government for argument. Twelve hours have been allotted in all for arguments of the three cases. Judicial enforcement of racial

Sat. 12-6-47

of minority groups in overcrowded" residential areas.

Indian Affairs Involved

It said that racial restrictive covenants had become a matter of concern to the Interior Department, because of their impact upon the administration of Indian Affairs and of the territories and insular possessions of this country.

The legal adviser to the Secretary of Staate, so the brief asserted, had said that the United States had been "embarrassed in the conduct of foreign relations" by acts of discrimination taking place here.

"The final and most important concern of the Government," the brief continued, "relates to its responsibility for the protection of fundamental civil rights. Without an atmosphere of mutual tolerance, civil rights cannot survive. That they shall survive is a prime objective of our system of government."

HIT DISCRIMINATION IN REALTY SALES

Jewish Groups Ask Supreme Court to Bar Restrictive Pacts as Unconstitutional

New York Times

Special to THE NEW YORK TIMES.

WASHINGTON, Dec. 1—Deed covenants that seek to restrict the sale of real estate they cover to members of specified races or religious groups should be ruled unenforcible, according to a brief filed today in the United States Supreme Court on behalf of four national Jewish organizations.

Appearing as friends of the court in four pending appeals involving covenants that seek to bar the sale of real estate to Negroes, the Jewish organizations contended that such covenants were violative of public policy and destructive of guarantees in the Fifth and Fourteenth Amendments.

New York, N.Y.

The brief was submitted to the Court by Joseph M. Proskauer, president of the American Jewish Committee, and Jacob Grumet, chairman of the legal committee of the Anti-Defamation League of B'nai B'rith, on behalf of these two organizations and the Jewish War Veterans of the United States and the Jewish Labor Committee.

The brief asserted:

"The racial and restrictive covenant is an instrument of bigotry giving aid and comfort to racial and religious prejudice. Implicit in such a covenant is the anti-democratic and false racist doctrine that undesirable social traits are an attribute not of the individual but of a racial or religious group."

Such covenants classify an individual not on the basis of his behavior but on the basis of his racial origin. They would deny the free choice of a home to a Carver, Cardozo or Lin Yutang merely because of color or religion. They ascribe social objectionability to unborn generations."

In asking that the covenants be held unenforcible, the four agencies cited prior decisions of the court which held that municipal councils and state legislatures were without the power to enact a valid law having the same effect as the covenants in question.

"When a decree of a State court accomplishes a result forbidden to the State legislature and deprives a person because of his race, color or religion of a fundamental right guaranteed and protected by the Constitution, it is forbidden state action and invalid under the Fourteenth Amendment," the brief argued.

12-2-47

Two of the four cases before the court arose in the District of Columbia; the others in Michigan and Missouri. In all four instances it was the validity of sales to Negroes or use of the property by Negroes, in violation of the terms of covenants affecting the property, that was questioned.

The brief noted that Negroes had suffered most from widespread use of the covenant but observed that many other groups had been affected, including: Mexicans, Spanish Americans, Orientals, Armenians, Hindus, Syrians, Turks, Jews and Catholics.

"The impact of the racial restrictive covenant does not end at the water's edge," the brief declared, suggesting that its use impaired the prestige of American democracy in foreign lands "because our practice does not always square with our ideals."

CIO ASKS HIGH COURT TO BAR 'RACIST' ZONING

New York Times

WASHINGTON, Nov. 19 (U.P.)—The Congress of Industrial Organizations today urged the Supreme Court to reject "the racist principles" of private zoning agreements that bar racial minorities from owning or renting properties.

The CIO, asking permission to present its views as a friend of the court, called the tribunal to forbid enforcement of the so-called "restrictive covenant." Three test cases challenging constitutionality of such agreements are before the court on appeals by Negoes from St. Louis, Detroit and Washington. In all three cases the Negroes were ordered by lower courts to vacate property because of covenants.

The Supreme Court has not yet acted on similar appeals by a Chinese and a Korean from Los Angeles covenants.

Jan. 11-20-47

"The right to acquire and hold property as a home without discrimination because of race enjoys at least the same protection as freedom of speech, religion and the press," the CIO said.

It said that many thousands of Negro CIO members had been subjected to "unbelievable hardships" because of the restrictive agreements.

Looking Toward The Vote

The recent statement by Gene Craig, Vice-President of the Atlanta Real Estate Board, in which he made the prediction that if the Truman forces are successful in dissolving real estate covenants barring Negroes and Jews from certain neighborhoods, the Democrats would lose a lot of southern votes, strongly suggests that an opinion from the Supreme Court, where the covenant suits now rest, will be inspired, not the urgency of law and constitutional justice but by political expediency. An editorial from the November issue of the Crisis magazine affords an answer to this reasoning:

"About thirty years ago," declare the editors, "the United States Supreme Court ruled that municipal ordinances marking out districts where Negroes could or could not live were unconstitutional.

Jan. 11-23-47

"To take the place of these ordinances, groups of home owners began drawing up and recording in legal fashion agreements between signatories not to sell property in their areas to Negroes. Later Jews were included and also in a frantic scramble Orientals.

Although refusing in 1926 to hear the case of Buckley versus Corrigan, "this year," continues the Crisis editorial, "the highest court has agreed to hear argument in four restrictive covenant cases, one each from Detroit, Mich; and St. Louis, Mo., and two from Washnigton, D. C. The arguments are set to be heard the week of December 8. Since the problem of acquiring a decent home in a decent neighborhood is particularly acute for Negroes the opinion of the court will be awaited with the greatest interest."

From another stand point, Mr. Craig's analysis, granted that court's decision will forsake the clear path of law for political expediency, overlooks the fact that the Truman forces stand to lose also many Negro votes if the court does not take a firm stand in this discriminatory exclusion of Negroes from certain areas by a "Gentlemen's agreement", contrary to the U. S. Constitution. Politicians weigh the difference between possible voting groups and on that basis, Negroes of the Nation have a great chance to exercise some influence. also.

Dismissed D. C. Suit 21 Years Ago

Afro-American Baltimore, Md. Sat. 10-25-47

Lack of Jurisdiction Ruled in Jordan Case

CIVIL RIGHTS

Present Decision Eyed by UN Adherers

By LOUIS LAUTIER
(NNPA Service)

WASHINGTON

The United States Supreme Court has never passed upon the questions of whether racial restrictive covenants are avoid because they are contrary to public policy and of whether, because they are discriminatory, they should be judicially enforced.

These questions were urged upon the court 21 years ago in the case of Corrigan vs. Buckley, which was dismissed for want of jurisdiction.

In 1921, 29 property owners in the 1700 block of S St., N.W., recorded a covenant in which they mutually agreed that none of their properties would be sold to or occupied by colored persons.

Suit Filed

A year later Irene Hand Corrigan agreed to sell her house to Helen Curtis (now Jordan). John J. Buckley brought suit to enjoin the sale to and occupancy by Mrs. Jordan.

Afro-American

Both Mrs. Corrigan and Mrs. Jordan moved to dismiss the suit. Mrs. Corrigan's grounds were that the covenant was void because it violated the Constitution and because it was contary to public policy.

Baltimore, Md.

Mrs. Jordan's were that the covenant attempted to deprive her of property without due process of law, that it abridged the privileges and immunities of U.S. citizens and denied them equal protection of the law, and, was forbidden by the Constitution.

Motions Denied

Their motions were denied and an injunction was issued.

The District Court of Appeals ruled that the owners had power to execute a covenant which bound themselves, heirs and assigns, to prevent the land being sold, leased to or occupied by colored persons.

Sat.

The case went to the Supreme Court on appeal authorized in cases involving the United States Constitution; and in cases in which the construction of any Federal law was drawn in question by the defendant.

It was decided May 24, 1926. Associate Justice Edward T. Sanford delivered the opinion. He said:

10-25-47

"Under the pleadings the only constitutional question involved was that arising under the assertions that the indenture of covenant, which is the basis of the bill, is 'void' in that it is forbidden by the Fifth, Thirteenth and Fourteenth Amendments.

Court Explanation

The opinion explained that—

1. The Fifth Amendment is a limitation only upon the powers of the Federal Government and is not directed against the action of individuals.

2. The Thirteenth Amendment, denouncing slavery or involuntary servitude, does not in other matters protect the individual rights of colored people.

3. The prohibitions of the Fourteenth Amendment have reference to State action only and not to any action of private individuals.

The opinion said that none of these amendments prohibited private individuals from entering into contracts respecting the control and disposition of their individual property, and there was no private individuals to the control contrary to basis for their rendering the covenant void by the disposition of their own property.

Civil Rights Angle

It also stated that the civil rights statutes, giving colored people the right to make contracts, to purchase, lease, hold, and convey real estate, do not prohibit contracts entered into by individuals, but of whether courts may enforce the covenant."

Present Petition

The two restrictive covenants in which the court of equity will not by injunction.

The court's decision will be a measure of the good faith of the United States in adhering to the United Nations Charter providing for the promotion of "universal respect for, and observance of, human rights and fundamental freedoms, without distinction.

Present petitions for certiorari, are reached for argument next month, peti-

49 1947 General

PURSUIT OF DEMOCRACY

Decision in Favor of Restrictive Covenants May Open Door to Destruction

By MARJORIE McKENZIE

(The views expressed in this column are those of the writer and do not necessarily express the editorial opinion of The Pittsburgh Courier.—The Editors.)

Pittsburgh, Pa. Courier Sat. 6-7-47

ANOTHER PROP has been laid against the great walls surrounding Negro ghettoes by the decision of the United States Court of Appeals for the District of Columbia, which last week upheld a long line of restrictive covenant cases. This latest piece of underpinning does not provide the stoutest reinforcement, however, for the accompanying thirteen-page dissent of Mr. Justice Henry W. Edgerton reveals that the racial residential barrier has in its basic construction some cracks capable of splitting it wide open.

Miss McKenzie

The decision in **Hurd v. Hodge,** notable only because of the Edgerton dissent, comes at a time when our interest in the total housing problem should be at a peak. As was pointed out last week in this column, the Taft-Ellender-Wagner housing bill, which is lodged in the Senate Banking and Currency Committee, needs vigorous pushing by the people to see action in this session of Congress. Apparently President Truman is not hopeful of early passage of this urgent measure, since he has just proposed, under powers granted him in last year's reorganization plan, the creation of a new housing agency among other things, in the Taft-Ellender-Wagner bill, S.866.

Sat. 6-7-47

THERE IS A significant relation between a Federal housing program and the outlawing of racial covenants. Low cost housing for Negroes has been hampered at every turn by local segregation practices and often desirable housing for Negroes has been built on undesirable plots of land. Consequently, poor and inadequate housing for Negroes is a problem whose remedy lies in the dual relief of early enactment of a broad Federal housing program and the invalidation of restrictive covenants so that the program will not be aborted.

Very grave responsibility in the fight against racial covenants sits upon the shoulders of Negro lawyers. Ever since the Supreme Court decided what Justice Edgerton calls the "misinterpreted" leading case, **Corrigan v. Buckley,** in 1926, their sporadic efforts have met with overwhelming discouragement. For as Justice Bennett Champ Clark pointed out, in his brief majority opinion in **Hurd v. Hodge,** the principles laid down in **Corrigan v. Buckley** have been undisturbed in an unbroken line of cases before District of Columbia Courts. Except for a war-time decision in California, which did not involve Negroes, covenant cases arising in other jurisdiction scarcely have fared any better. Negro lawyers have been marching around the ghetto wall but it just doesn't come tumblin' down. The Supreme Court has been a wary side-line observer of the campaign. Either it has dismissed appeals or has refused to grant petitions for writs of certiorari, lest a review of the law would require it to loosen its desperate grip on the more than twenty-year-old **Corrigan v. Buckley** precedent. Now Justice Edgerton boldly says that the Supreme Court has never disposed of the issues involved in racial covenants and sets forth a constitutional question as one of five grounds of covenant illegality and unenforceability.

* * *

NEGRO LAWYERS will be encouraged to renew the fight with fresh vigor as the result of the Edgerton dissent, and it may be sufficiently compelling to cause the Supreme Court to grant certiorari this time. If that is done, the chorus of voices around the old Jericho wall will swell so loud that it will surely fall.

A PLACE TO CALL HOME

Afro-American Sat. 3-1-47

A New York State judge, a week ago, made permanent an injunction restraining the sale of a Long Island home to a colored buyer as a result of a restrictive covenant.

In Los Angeles, the part-Indian wife of a white man and her three daughters must vacate, within 30 days, the family home in which they have been living for over two years because of a "perpetual" deed forbidding its occupancy by persons of non-Caucasian descent.

Notice the difference in these two cases. The New York case prevents the sale and the California case prevents the occupancy to all except Caucasians. There is little to choose between here. Counsel for the defendants in both cases pointed out that restrictive covenants are not only against public policy but violate the 14th Amendment. Appeals in both cases are likely. Baltimore, Md.

Heretofore most restrictive covenants have had as their victims colored people, Chinese, Japanese and Mexicans. Now, American Indians are suffering. Jews, Catholics and all foreign-born may well be next.

If they know what is good for them, these minorities will join colored Americans, Indians, Japanese, Chinese and Mexicans in fighting these covenant restrictions whenever and wherever they appear. Sat. 3-1-47

Individual's Right to Personal Freedom Held Reason U.S. Supreme Court Will Not Act

Afro-American Baltimore, Md. Sat. 2-22-47

By OLLIE STEWART

WASHINGTON

Recently, in California, a white man and his wife who was part Indian, received a court order to vacate their home.

The property in question was covered by a restrictive covenant which stated that "Caucasians only" could live in this particular neighborhood—and since the wife was part Indian, she had to go.

The white husband might have remained, but he wanted to be with his wife, so he went, too.

In Michigan, a man married to a white woman, was forbidden by the court to visit his wife in the home they had established. Said property was for the "use, occupancy and sale to" whites only.

The wife could not be forced out, since she was white—but so long as she lived there, the husband could not even visit her.

Upheld Too Frequently

That's how restrictive covenants work. All or a majority of the residents of a certain area sign an agreement that they want only certain types of people living near them. Sat. 2-22-47

When properly executed, this covenant becomes law which too many courts will uphold.

Mainly, these restrictive covenants are drawn up to operate against racial or religious groups—such as colored, Jews, Mexicans or Orientals. This is in the North, Midwest or Far West, generally.

In the South they don't need restrictive covenants. hey just toss a stick of dynamite (as happened in Atlanta recently) or burn a cross on the nearest mountain top.

Used in Many Ways

But covenants are used in other ways. Residents of many American cities have banded themselves together to prohibit saloons on the corner near a school, or to keep out poolrooms, or filling stations, or factories or stables.

A covenant then is a sort of protection—a device by which home owners keep out undesirables, and incidentally maintain the original value of their property.

Most housing projects have restrictions. The Federal projects are limited to persons within a certain income group. Many private projects forbid individuals with too many children.

Not Racial—Financial

A new sub-division or suburban housing project is a cinch to have restrictive covenants. You can't just buy a lot and throw together any kind of shack.

The general practice is to name a sum. For instance, you can't build a house in the sub-division unless it costs $35,000.

This isn't racial. It's financial. If you haven't but $5,000 to spend for a home, you're not wanted—and the courts will uphold the other home-owners in keeping you out.

Sound Insurance

Restrictive covenants' then, are rather widespread in their use, and have been pretty generally accepted as a kind of social insurance in America.

People of all races use them—and nobody has yet been sufficiently eloquent to cause the Supreme Court of the United States to outlaw them. Sat. 2-22-47

Even if the courts were against them, covenants of some sort would still exist and flourish, human nature being what it is. Money makes a man discriminating. And there's a lot of money in the USA.

No Generalization Possible

Digging into the business of covenants recently, I unearthed some rather contradictory information. Some people have told me covenants are vicious, and should be prohibited by Congress.

Others have asked me, "what would you do if you spent $20,000 on your home, and some bird wanted to put a barbecue pit next door?"

I'm not sure of anything now—except that one can't generalize on a subject that has as many angles as covenants.

'Have,' or 'Have Nots'

However, colored people in America are the hardest hit by restrictive covenants because they are (1) a minority, and (2) they are mostly in the lowest economic bracket.

Those who HAVE, sign the covenants. The HAVE NOTS try to break them. Ethics and morals have nothing to do with it.

Contradictory Action

Two events make the discussion of covenants timely. First, the Washington Council of Social Agencies has recommended that "legislation be enacted by Congress to prohibit restrictive housing covenants in the District."

Second, the National Association of Realtors has been accused of putting pressure on title companies.

As a result, these companies pass along from buyer to buyer (often in small print) any and all restrictive covenants that may apply to certain properties.

The revelation was also made to me that many colored people in Washington (and other places, too) recently have bought property that had covenants on it, and they knew all about the restrictions.

Buyer's Responsibility

Well, the most important thing I learned from my research in the field of covenants is that a person wishing to buy some property should do two things:

He should have a title company reveal to him to what extent said property is "subject to covenants of record"—which will tell him exactly what restrictions apply.

Then, if there are restrictions he does not like, he is in position to not buy the property or to get it released from the restrictions, either by going to court or consulting with the original signer of the covenant.

Must Be Advised

If, however, the covenant prohibits the sale of the property to all-colored, but has become outmoded because the neighborhood is now all-colored, then it may be okay to make the purchase—with covenant attached—if the property is a good buy. Sat. 2-22-47

It is the business of the title company to indicate what cove-

Property experts here say that it is almost impossible to buy property in the District that does not have some kind of restrictive covenant on it, They say this is true in most other large cities in America.

Most Open City, Says One

However, Jerome Clark, head of

the Public Service Title Company—only colored title company in Washington—told me "Washington is about the most open of the large cities in the country, when it comes to covenants."

He said he could not answer, when I asked whether he would advise a client to buy property that had restrictive covenants, but indicated that he might if asked about a specific case.

Colored people, he said, have bought property in almost every section of the District. Chevy Chase was once all-colored, but lately 95 per cent of it has been surrenered to whites.

Becoming Outmoded

An official of the Capital Mortgage and Title Company, a white concern, told me that most covenants in the District have become outmoded. "They just don't mean anything any more."

He said that his firm advises clients before they buy that the property in quesion is subject to whatever restriction is on he record, and this phrase goes along with the deed. If the client is not satisfied, he may try to get the property released from existing covenants before buying, or after.

A Nationwide Problem

I learned at the County Title Company that "restrictive covenants are a general practice" but may not necessarily apply in every case.

Restrictive covenants are now being discussed from coast to coast. Los Angeles and the West has its Mexican and Japanese problem.

The Midwest, the East and South have Jewish and colored problems. Housing is scarce and people must live somewhere.

U.S. Court Decision Unlikely

Many people anticipate that the U.S. Supreme Court soon will be called upon to render a decision, but it is extremely doubtful that such a decision will settle the issue.

The question of restrictive covenants is touchy because it involves the right of personal freedom guaranteed by the Constitution.

When a colored man wants to buy a home in a nice section of town, and finds that a restrictive covenant keeps him out, he says, "It's a damn shame and there ought to be a law against it."

Might Favor Such Action

But this same man would join with his neighbors to keep a saloon off his block, or a Chinese laundry from his basement, or a white house of prostitution from his own colored neighborhood.

He insist on the right to select his friends, and to keep certain persons out of his club or his church—and from his sections of town, a glue factory that would stink up the area.

Obviously, you can't have your birthright and sell it too.

There seems to be no answer to the problem of how to get along with everybody. Restrictive covenants protect those who feel the same way about something—and kicks everybody else in the teeth.

But so does a private club, or a closed dance or a religious denomination or any selective body that has by-laws.

Shall we throw open all the doors?

AN UNWELCOME DECISION

A few days ago the United States Circuit Court of Appeals for the District of Columbia handed down a decision upholding the constitutionality of restrictive covenants. It was a five to one decision; the dissenting opinion being written by the only Northern justice on the bench, Justice H. W. Edgerton of New York.

The court's decision, coming at the time when the housing situation is still critical, is most unfortunate for Negroes. Our difficulties with reference to housing are great enough without having a legal hedge thrown up to increase the problems which confront us. Louisville, Ky. Defender

Restrictive covenants have been the cause of racial tension and conflict here and there in this country. This source of irritation could have been removed by the kind of decision which it seems the court should have rendered. Sat. 6-21-47

Property owners who subscribe to restrictive covenants are bent on perpetuating in America a dual system of citizenship, based on the false and undemocratic superiority - inferiority theory. As long as one group of Americans can live wherever they please and the other group is restricted to certain areas, in most cases selected for them by the more favored group and serviced for the less favored group by the more favored group as it pleases, there will be dissatisfaction and conflict. Sat. 6-21-47

Much has been written in bitter denunciation of the ghettos of Europe. Restrictive covenants and the practice of selling and renting property to Negroes before the clever and mischievous circumvention of restrictive covenants was devised create ghettos for Negroes just as injustice in Germany begat ghettos for Jews. How can those here who are guilty point accusing fingers at nazism?

The decision of the Circuit Court of Appeals to the contrary, the fight against restrictive covenants must and will go on.

The Nation New York, N.Y.

GOOD HOUSING WILL NOT CURE EVERYTHING that's wrong with us, but bad housing lies close to the root of many sicknesses of the body politic. Certainly the most unpalatable and most devastating phase of the whole shoddy housing situation is that of discrimination—the maintenance of ghettoes, in twentieth-century America, for one or another minority group. As Charles Abrams makes clear in his acute analysis, Race Bias in Housing, starting in this issue on page 67, the ghetto ripens into a political and social institution once it has been sanctified by the courts. And it has, for many years, either received such sanction or received the equally substantial benediction of judicial approval by default. Today, as Mr. Abrams' series appears, we may be on the verge of a change for the better. Three weeks ago the Supreme Court of the United States decided, *for the first time in history,* to review two state court decisions upholding the restrictive covenant. The restrictive covenant has long been a prime tool of the real-estate fraternity that has learned how to merchandise prejudice. The cases, involving covenants in Michigan and Missouri, will probably come up in October; the National Association for the Advancement of Colored People, the Civil Liberties Union, and the American Jewish Congress are throwing their considerable legal talents into the fight; this magazine will observe developments closely. Almost as exciting as the Supreme Court cases is the suit now being brought by three Negro war veterans (for whom Mr. Abrams is counsel) against the Metropolitan Life Insurance Company, builders and owners of the racially restrictive Stuyvesant Town. The N. A. A. C. P. and the A. J. C. are backing this fight too. The Stuyvesant Town formula would establish a pattern for government subsidization of discrimination. To forestall the creation of such a pattern, the several plaintiffs have submitted briefs asking that Metropolitan be prevented by injunction from barring Negro tenants in Stuyvesant Town. The Supreme Court of New York is at this moment weighing those briefs. Sat. 7-19-47

Sat. 7-19-47

Miller Discusses Covenant Fight

Afro-American Baltimore, Md. Sat. 12-20-47

Tells Press Club More Than Ruling Is Needed

WASHINGTON (NNPA)—The fight of minority groups to buy homes wherever they may choose to live will not be ended by a favorable decision of the United State Supreme Court in the four racial restrictive covenant cases now pending in that court, Loren Miller of Los Angeles, declared last Tuesday.

Speaking at the weekly luncheon meeting of the Capital Press Club at the Charles Hotel, Mr. Miller, one of the attorneys in the cases, said that lending institutions and other moneyed groups, will continue to fight minority group housing.

Hits His State's Record

Sharply criticizing his own State's record in the fight against restrictive covenants, he said that California was the first State ever to record a restrictive covenant case, and that a recent survey showed that the State has more than twice as many such cases as any other State.

The lower courts of California now have about 80 restrictive covenants pending before them, he said, but neither those courts nor the California Supreme Court are expected to hand down decisions until after the United States Supreme Court decides the issue.

49 1947

Georgia

ATLANTA WHITES PLANT BOMB IN NEGRO NEIGHBORHOOD; ONLY SLIGHT DAMAGE IS REPORTED

The Black Dispatch Sat. 6-14-47

Two Men Seen Running From Rear of House On Ashby Street

Oklahoma City, Okla.

POLICE FIND NO TRACE OF GUILTY PARTIES

ATLANTA, Ga., June — (NNPA) — Two white men last Friday planted a bomb between 333 and 339 Ashby Street in southwest Atlanta, the explosion of which blew out twenty-four windows in surrounding residences and caused minor damage to the gront porch of one of the houses.

A woman resident of one of the houses said a few minutes before the explosion she saw two white men plant the bomb after she had been attracted by the barking of a dog.

She said she saw the men run in back of the houses and lose themselves in the tall grass.

Police who investigated the explosion shortly afterwards are reported to have gone back of the houses to the location where the men lost themselves but could find no trace of them.

Sat. 6-14-47

Immediately after the police left, the two men were seen to emerge from their hideout and are reported to have fired a volley of shots. An inhabitant of one of the dwellings saw the two men running and returned their fire. It is believed that none of the shots took effect.

Saturday morning detectives examined the spot where the men were said to have hidden and found that the grass showed evidence that someone had either trampled it or lain upon it.

Inhabitants of both houses remarked that the explosion was the loudest of the series that have harrassed the neighborhood during the past nine months.

The inhabitants of 339 Ashby said they had never received any threats nor were they ever bothered before; however, the other dwelling , 333 Ashby, was bomded previously on October 21 when dynamite was thrown on its porch and caused considerable damage to the porch and windows. No personal injuries were received in either of the bombings.

Sat. 6-14-47

The residence at 352 Asby st., owned by Rev. A. C. Eppe, has been bombed twice during the past few months. An occupant of the house said in reference to the recent bombing that about 40 minutes prior to the bombing he saw two white men in back of his house who appeared to be planting a bomb there. They fled when they noticed that he had spotted them, he said.

Race Issue Enters Zoning Request

Atlanta Constitution

Atlanta, Ga.

SAVANNAH, Sept. 4—(AP)—A group of citizens which is asking City Council to bar churches from one of the Savannah streets said in a supplemental petition Thursday that the movement was started because a group of Negroes want to build a church in a white section.

The Savannah Protestant Ministers Association and the Woman's Society of Christian Service of the Methodist Church are protesting the proposed exclusion of churches from parts of Montgomery Street in an expanding business district.

Fri. 9-5-47

A petition with 115 signers filed with City Council said a group of Negroes planned to build a church on the southwest corner of Montgomery and Gwinnett Streets and if their plans went through a number of white families would be forced to move "as they do not intend to live with colored people."

Fri. 9-5-47

Whites Fire Negro Home After Warning Police

Louisville, Ky.

Courier-Journal

Atlanta, Oct. 23 (AP)—A special police detail was assigned to a northwest Atlanta section today after officers reported a group of white men set fire to a house into which a Negro family had just moved. The house is in a white residential area.

Patrolman R. B. Bibb said the four Negroes in the family locked themselves in the house when the white group congregated. Police had to break doors to evacuate the family. No arrests were made.

10-24-47

Bibbs said he and his partner, H. W. Bates, were at the house when the fire started. They reported a white man approached them and asked how long they expected to be there. When the officers replied, "Probably all night," the man declared "about 200 families of whites living in this neighborhood resent the fact that this Negro family moved in. You may not want to stick around and see what will take place."

Shortly thereafter, the officers said, flames burst from the rear of the house. The officers were in front at the time.

Fri.

Firemen brought the flames under control without serious damage. They reported finding a can containing gasoline on the rear steps to the house.

Minister's Home Burned

Atlanta Terror Reign Continues

Courier, Pittsburgh, Pa.

Sat. 11-8-47

ATLANTA—An attempt was made to destroy a third house owned but not occupied by Negroes in Atlanta's northwest section last week.

A house owned by the Rev. and Mrs. Elijah Humphrey at 591 Paynes Avenue, N. W., was scorched when an arsonists lit the contents of a quart bottle of gasoline after pouring it against the rear of the structure.

BOMB THROWN

Within a ten-day period, terrorists had also fired the residence of Clifford L. Walton of Chestnut Street and thrown a bomb through the window of the house of Mr. and Mrs. Oliver L. Cantrell of North Avenue.

The Waltons had just occupied the house they bought several months ago and which is located in a block now completely occupied by whites, but being opened up to Negro occupancy. The Cantrells had been living in their home some fifteen months.

Under cover of darkness at 2 o'clock in the morning last week, the Waltons were pressured out of their house through the moves of a white minister and the presence of about a dozen white men in front of the structure.

The minister, the Rev. W. A. Allison, a county chaplain who had become part of a league with two Negro leaders to help allay the situation, gave Walton the impression that his life and possessions were in danger.

Walton said he and his wife went to their home early Tuesday evening and noticed several milling whites in front. A police car was in the rear, apparently giving protection. Mrs. Walton cooked and they ate dinner, later deciding to go to a circus at Lakewood Park. The house was locked and the owners went to the circus grounds.

Courier Pittsburgh Pa.

ADVISED TO MOVE

Meanwhile, the white minister apparently got busy, contacted the Rev. M. M. Lampkin, the Walton family's pastor, and a daughter-in-law. After considerable maneuvering and pressure, they found the Waltons on a streetcar coming from the circus.

Allison told Walton a grave situation had developed and that he wanted to help him. When the party got to the Chestnut Street address, the milling whites were there. Ellison advised Walton it was best for him to move.

The white minister had secured a truck and three or four police cars had been called to keep order.

Courier Pittsburgh Pa.

OPPOSE MOVE

The Waltons were moved to a McDaniel Street address. Later in the day, Negro members of the league expressed indignation that Walton had been pressured out of the house at 2 o'clock in the morning and let it be known that the arrangement did not have their sanction or approval.

Sat. 11-8-47

In the Humphreys' case, the new owners had sent a plumber to the Paynes Avenue address to make installations. He was approached by a white resident and asked if Negroes intended to move into the house. When informed that Negroes intended to move in, the inquirer advised against it.

A white family had moved from the house two days previously. The house was fired shortly afterwards. Police advised Humphreys to use his own judgment in moving into the house.

Atlanta Housing Truce Effected

Afro America

ATLANTA—A six-month formula for averting further racial disturbances in the northwest section where whites have been bombing and assaulting colored homeowners, was worked out on Oct. 25 by two colored leaders and a white Baptist pastor.

Baltimore Sun

The formula resulted from meetings with white and colored

Attorney Says Fear Made Negro Confess

Birmingham, Ala. 12-15-47

ATLANTA, Dec. 17—(AP)—Fear caused Isaiah Grimes, 27-year-old Negro farmer, to sign a statement that he burned two Negro churches and a Negro school at Loganville, Ga., his attorney said today.

Austin T. Walden, Atlanta Negro attorney representing Grimes, said his client had written a note repudiating the officially reported confession. Walden added that Grimes wrote that he signed the confession only because he was "afraid" after his arrest on arson charges.

12-15-47

Solicitor Gen. Marshall Pollock announced Sunday that the Negro had confessed firing the buildings because he was angry at two Negro lodges which met in them.

editor-general manager of the Atlanta Daily World, and J. A. Batts treasurer of the Citizens Democratic Club of Fulton County, agreed to order an investigation of the burning of Negro churches and schools in Loganville, Ga.

The two men conferred with Gov. Thompson and formally requested him to offer a reward on behalf of the state and investigate the situation in that area, which today is

Deep Concern Over Walton Atlanta Event Expressed

By MARION E. JACKSON

Gov. E. M. Thompson, in response to a request made late Tuesday by two Atlanta leaders, C. A. Scott,

void of a single Negro church or school as the result of recent burnings. 12-3-47

The conference over the situation in Walton County was held in the Governor's office and the two leaders deep concern over the trend of events in that county, where two men and their wives were lynched last year by a mob that to date has gone unapprehended.

The Atlanta Daily World reported Friday, Nov. 28, that a proposed highway through the heart of the Negro section, which would baloon the value of the land, brought on the arson-terrorism in an attempt to drive Negroes out of that section. The high ground in this area is considered the most ideal in the community.

The Mayor and the Council have offered a reward of $100. Gov. Thompson was urged by Scott and Batts to supplement this sum with a reward offer from the state which would spur the drive for the apprehension and conviction of the guilty parties.

Mob Violence?

Constitution

Editor Constitution: A recent Constitution carried a special from Washington stating that Edgar G. Brown, Director of the National Negro Council, had urged President Truman to send Federal troops into Walton County, Georgia, to end a "reign of unbridled mob violence, terrorism and arson." Atlanta, Ga.

Brown said that only U. S. troops could "restore order" and protect American Negroes "in their legal and God-given rights to worship unmolested in the churches of their choice and also afford safety to themselves and their children in their homes and schools." Sat. 12.6.47

A more malicious slander was never uttered against a county which has already suffered much from the defamation and misrepresentations of irresponsible persons and newspapers, and in justice to our people I would like to briefly outline the following facts:

There has not been the slightest disorder following the recent burning of two Negro churches and the Negro school at Loganville, Walton County, and both races are in the utmost accord.

While the investigation under way has not yet disclosed the identity of the guilty parties, it can be stated that both white and colored citizens of Loganville deplore the crimes and sincerely hope that the guilty may be brought to justice.

The colored people of Loganville have the fullest sympathy of the white people of that community and of the county as a whole, and the white citizens will be glad to render all assistance within their power towards having the burned buildings restored.

The Washington dispatch also made reference to the lynching occurring on the outskirts of Walton County, 20 miles from Loganville, more than a year ago, but placed it in that community.

I will thank you to publish this prominently in the first possible issue of The Constitution.

ERNEST CAMP, Prop.
The Walton Tribune.
Monroe.

Walton Fires Hit By National Negro Council Message

Daily World
Atlanta, Ga.

LOGANVILLE, Ga.— (SNS)— Diversified repercussions were seen to follow the firing of every Negro church and school in this small community of Walton county wherein two Negro men and their wives lost their lives at the hands of lynchers last year.

Mayor C. H. Byrd had said Monday that apparently the fires were of incendiary origin and added that the city council had offered $100 award for arrest and conviction of responsibile persons.

He surmised the possibility of Negroes firing the edifices themselves in an attempt to "attract nation-wide sympathy." He expressed belief that a feud existed between sections of the Negro populace.

Latest reports disclose that the reward offered had failed to cause some light to shed on mysterious burning.

Mayor Byrd asserted that it was not his belief that white persons or racial trouble were responsible for the disorders.

From Washington, Monday came an appeal from the National Negro Council to President Truman to send federal troops into the area to restore order. The Council's director, Edgar C. Brown, declared, "the situation in Walton county is a reign of unbridled mob violence, terrorism and arson. He urged that U. S. troops are needed to protect Negroes in "their legal and God-given rights to worship unmolested in the churches of their choice and also to afford safety to themselves and their children in their homes and schools.

The Council is purportedly raising a large fund to rebuild two churches and a school.

Both a Negro Baptist and Methodist church were burned by the terroists. The school was burned last Friday.

Valdosta Church Aids Negroes at Loganville

Constitution
Sun. 12-7-47

Constitution State News Service.

VALDOSTA, Dec. 6—The First Methodist Church of Valdosta has passed a resolution condemning the action of persons in the burning of Negro buildings at Loganville, and a contribution of $150 from the congregation was collected to aid the Negro community.

The Negro Methodist Church, the Baptist Church, and a school building were burned by persons unknown in the same county in which four Negroes were murdered only a few months ago.

The motion was made after Dr. Leonard Cochran, pastor of the white church at Valdosta read an editorial in The Atlanta Constitution deploring the burning of the buildings at Loganville.

Dr. Cochran told his congregation that unless the law-abiding people were outright in their condemnation of such practice the harvest of hate, arson and murder would multiply to ghastly proportions. Sun. 12-7-47

Prior to action of the congregation the Methodist Young People's Sunday School class took similar action and contributed $15 for the same purpose.

Negro Housing

Constitution

Editor Constitution: "You can legislate tolerance."

Atlanta, Ga.

The man who coined tha phrase must have resided in Atlanta where racial housing tension is gathering increment. To make matters worse, the President's Committee on Civil Rights will only arouse public repugnance. The opinion of the majority detests such movement by the President. The Civil Rights priviledges will be abused by vote-seeking white politicians. Sat.

While in Atlanta last summer, I noticed white tenants on Chestnut Street demonstrating against a colored family moving in a purchased house in a white block. Recently, I read in Atlanta papers a similar incident in the same block. with arson attempt. The main cause for the present racial controversies are attributed to unscrupulous sales and remissness in zoning laws. 11-22-47

Mutual boundry-fixing has been tried on Chestnut Street and Western Heights but proved to be a nugatory agreement. If the State Jim Crow law prevailed on Chestnut Street, unchallenged, the civil liberties of both races would be constantly jeopardized. A great vicissitude will result if the few remaining, strategic located, white owners in Western Heights decided to sell to colored families. The owners can determine the inevitable—stay status quo, or sell out and vacate. If they evacuate, Northwest Atlanta will be free access for Negro occupancy and predominance and property depreciation. The few white remnants in Western Heights are the last bulwalk for the churches and large grammar school in the vicinity. The present boundary stalemate are fixed, at the moment, along (North Ave., Sunset Ave., Kennedy St. English Ave., Fox St., Ashby St., and Bankhead Ave. to the city limits. Plus few off-set streets. A person can, obviously, see the plight of Western Heights.

The efficiency of the white policemen on duty at the time of the Chestnut Street arson attempt was questioned. Would Negro policemen performed any better service under similar circumstances? Probably not. Atlanta should settle the racial housing condition before recruiting Negro policemen for better racial relation. Atlanta, Ga.

CLAYTON WARREN
Anniston, Ala.

Too Much

Record
Columbia, S.C.
Mon. 12-8-47

The Record confesses that it knows nothing of conditions in Loganville, Ga., where officials report that no progress has been made in the hunt for the arsonists who set fire to two Negro churches and a Negro school last month.

But somehow or other it cannot stomach the explanation of the fires set forth in the mayor of Loganville's theory that the structures might have been destroyed by the Negroes themselves in an attempt to "attract nation-wide sympathy." 12-8-47

It is only one step from this to the theory that Negroes will take to lynching themselves to "attract nation-wide sympathy."

Frightened Farmer Claims Insurance In Right Hands

Daily World
Atlanta, Ga.

By MARION E JACKSON

MONROE, Ga.—(SNS)—A shaken and badly-frightened 27-year-old farmer, Isaiah Grimes, who served 16 months in the United States Army at Camp Rucker, Alabama and in the Southwest Pacific, told many conflicting stories to a delegation of Negro leaders, who went to Monroe in response to his plea for aid. Tues. 12-16-47

These leaders conferred with the honorably discharged veteran in the Walton County jail, where in a cowed, hesitating and nervous manner, Grimes told in the presence of Deputy Sheriff Lewis Howard and two assistants that he had "signed a statement given him," in which he allegedly confessed to the burning of two Negro churches and a Negro school in Loganville, Ga.

DENIES REVENGE

The group included C. A. Scott, editor-general manager of the Atlanta Daily World, Col. A. T. Walden, Atlanta attorney; Warren E. Cochrane, secretary of the Citizens' Defense Committee; J. Richardson Jones, photographer, and this reporter.

Before going to the jail, Messrs. Cochrane, Scott and Walden conferred with Solicitor Marshall Pollock, Western Circuit Solicitor General, who arranged for the group to visit Grimes at the jail.

Grimes, allegedly admitted that he burned the churches and school "to gain revenge" over two lodges who administered insurance policies left by Fluke Catlin, late husband of his mother, Mrs. Maggie Catlin. In his conversation with the Atlanta delegation, Grimes denied that he had anything against the lodges and insisted that the money went where it should have gone "to the undertakers." He stated to the group that he had no revenge motives.

This dramatic turn in events came after the Atlanta Daily World received this note via mail with a Monroe, Ga. postmark:

NOTE SENT FRIDAY

"Isiah Grimes I nede you help they made tell lide on my seft and no not what to do but them tell that i was made do it all rote out i to say yes to them and known was not right but some one had told them that we had been send with some gas but I both some gas and sold it and we just have some fun and they say we was doing just that tell them all dont be made with me for I am arffer of a gun and they have bet me to tell that."

The Daily World Monday night had additional information which Grimes, at Loganville, was released about the same time, but later released. Willie Malcolm, arrested and held for questioning, was released about the same time.

Maggie Catlin, was arrested at the Monroe County jail. His mother, Mrs. Lillie Frances Grimes, nine years old, Sylvester Grimes, two, and Willis Isaiah, one.

He is the father of three children,

He is a member of the Deacon Board of the Friendship Baptist Church. Grimes said, "They call me a good church worker." He served with Will Davis and Alex Morris on this board.

Grimes was inducted into the Army at Fort Benning, Ga., July 11, 1942. He was sent to Camp Rucker, Ala., later serving in the Southwest Pacific. He was discharged from the Army in the Southwest Pacific, Nov. 30, 1943. He has a fourth grade education, and lives with his mother, Mrs. Lillie Frances Grimes, at Loganville.

DISABLED VETERAN

He is a disabled veteran of World War II, Grimes spent one month at the Tuskegee Veterans facility in 1946, for treatment of head and hip injuries. Six months ago he suffered a broken leg. He is drawing a 27 dollar a month pension from the United States Veterans Administration.

Grimes said, "They call me a good church worker." He served with Will Davis and Alex Morris on this board.

Grimes, replying to questions regarding the Loganville fires stated: "Would you have been crazy." He answered a question: "I must have been crazy." He answered a question: "Would you have been crazy." He answered a question: "No, Sir." for treatment of head and hip injuries. Six months ago he suffered a broken leg. He is drawing a 27 dollar a month pension from the United States Veterans Administration.

Asked "did you set fire to the churches and schools?" Grimes looked appealingly about the room and replied "Yes."

Asked "did you set fire to the churches and school?" Grimes looked appealingly about the room and replied "Yes."

Note Smuggled From Jail Tells Of Beating

Defense Committee Into Action Against Attempted Slur

Investigation of the burning of two Negro churches and a Negro school house in Loganville took a peculiar twist Friday, when Walton County Deputy Sheriff Lewis Howard arrested three Negroes for questioning. The Negroes arrested were Isaiah Grimes, a disabled veteran of World War II, who is alleged to have given some form of confession, and Mrs. Maggie Catlin, his mother. A third Negro, Willie Malcolm, was later released.

The jailing of these Negroes followed a series of unsupported rumors that the fires may have been the result of a feud between Negroes of Loganville. These rumors, however, have been categorically denied, both by the Negroes themselves as well as the minister of the local A.M.E. Zion Church.

CONTRARY VIEWS

To the contrary, Negro spokesmen in Loganville, in an interview with representative of The Atlanta Daily World, expressed the belief that the fires are the outgrowth of a desire on the part on white citizens to bring about a relocation of the Negro church, which was in close proximity to the white cemetery.

These views are supported by a letter written by the clerk of Loganville, in which the action of the Mayor and City Council was expressed, strongly urging the Negro A.M.E. Zion members to consider relocation of their church.

"It is the sense of this body," the letter states, "that your church membership has an opportunity to promote harmonious racial relationships, by a proper consideration of all facts in arriving at a decision as to where this church shall be built."

The letter, signed by B. A. Cox, ends with the warning that "for your membership to take an antagonistic attitude and spurn the interest and efforts of their friends is but to prolong an aggravating situation and intensify opposition."

Sources also cite in support of the belief that whites may have been the inspiration behind the burnings, a letter written by a Loganville white physician, Dr. Charles S. Ford, to the pastor of the destroyed A.M.E. Zion church. The letter, which followed an extended conversation with the pastor, said in part:

"If the officials of your church will agree to move their location I will give you in exchange for your present lot, one acre of ground just north of the colored school building, and if you see fit to do this I will make you a gift of $500 cash toward helping you erect a new building.,, The letter stated that the above proposition stood good until November 1.

A note smuggled out of the Monroe jail where Grimes and his mother were held in connection with the burnings, reached the Atlanta Daily World Saturday, repudiating the alleged confession. Grimes said that he had been beaten severely and that at pistol point he had answered "yes" to some of the questioning.

Deputy Sheriff Howard, of Monroe County, and members of the GBI which had been assigned to investigate the burnings, were said to have participated in the questioning which occurred daily since the arrest of the trio on Tuesday.

Rev. Charles O. Britton, pastor of the destroyed A.M.E. Zion church, scoffed at the rumor of feuding or animation between the Negroes. He told The Atlanta Daily World that there is strong belief that the burnings are the aftermath of the Walton lynchings of four Negroes in July, 1946. Although little was said about it then, the minister stated, "a Negro school was burned shortly' after the 1946 lynchings of two Negroes and their wives.

LEGAL AID SOUGHT

In Atlanta Saturday, where the appeal for legal aid was sent by the jailed suspects, Dr. William Holmes Borders, Chairman of the Citizens Defense Committee for Georgia, was reported to be out of the city, and hence, no statement from him could be obtained. Prof. C. L. Harper, President of the Atlanta NAACP Chapter, was away from the city on business matters. However, one official expressed the belief that the Association as well as the Citizens Defense Committee would sense the urgent necessity of providing adequate Counsel for these Negroes. The National Association for the Advancement of Colored People may be expected to place its counsel at the disposal of the jailed suspects.

'Not a Negro Trick'

Editor Constitution: Please allow space for a reader to express utter contempt for the cheap weak-kneed effort to hang the third crime of Monroe and neighboring sections of the Negroes themselves. Anyone with brains can see through such talk. Who ever heard of a Negro feud? The burning of churches and schools just isn't a Negro brand of dirt, any more than the killing of people in Monroe or the beating of a Grand Jury witness.

A READER.

Atlanta.

Exhonerated

Monroe, Ga., which is located in Walton county, scene of the July 24, 1946, lynching of two Negroes and their wives, for which crime no one was ever arrested, is now enjoying a brief triumph.

A 27-year-old Negro has confessed that he burned two Negro churches and one Negro school in Walton in reprisal against a Negro burial insurance society which refused to pay $180 in benefits to his mother for the death of her second husband. The actual benediciary was the husband's daughter.

Mayor C. H. Byrd of Monroe had advanced the theory that the fires were the work of Negroes, but The Record frankly couldn't see that at the time, since Mayor Byrd did not give any motive for the destruction of the properties.

Apparently the mayor was right. Monroe's whites should not be blamed, as they were blamed for the burnings. But then they have themselves to blame. It Monroe had purged itself of the responsibility for the lynching by arresting and convicting or at least trying the lynchers, as Greenville did, it could now afford to wax indignant.

But because the whites are innocent of the destruction of Negro property does not relieve them of responsibility for the lynching and for the county's failure to do anything about it.

It will be interesting to observe what punishment is meted out to the Negro who confessed the destruction.

PICKED AS FALL GUY:

Suspect in Arson Case Denies Charge

MONROE, Ga. — (NNPA) —Belief that Isaiah Grimes, 27-year-old veteran farmer, was forced to sign a confession admitting the burning of two churches and a school in Loganville in order to save some white faces was intensified last week when Grimes repudiated the statement before a group of colored leaders who visited him in response to a plea.

The group who talked with Grimes in the Walton County jail included C. A. Scott, editor-general manager of the Atlanta Daily World; Warren E. Cochrane, secretary of the Citizens' Defense Committee, and J. Richardson Jones, a photographer, all of Atlanta.

Before going to the jail, the group conferred with Solicitor General Marshall Pollock, who arranged the visit.

"Revenge" Held Motive

Shaken and obviously frightened, Grimes, who was honorably discharged from the Army after serving 16 months in Alabama and the Southwest Pacific, in his "confession" admitted burning the buildings "to gain revenge" against two lodges which had used them as meeting places.

The lodges, according to the confession, incurred Grimes' wrath because insurance policies the late Fluke Catlin had with the organizations were made payable to Catlin's adopted daughter, Minnie, instead of Grimes' mother, Mrs. Maggie Catlin.

Grimes denied he had anything against the lodges and insisted that the money had gone where it should have gone—"to the undertakers." He denied to the group that he had any revenge motive, insisting that he signed the purported confession only because he was "afraid."

The delegation's visit was decided uopn after the Atlanta Daily World received a not protesting innocence and additional information which substantiated the plea and made the validity of the message in disputable.

To Be Tried in February

According to Solicitor General Pollock, Grimes will face trial on charges of arson in three counts at the February term of Superior Court in Monroe.

Mr. Pollock said Grimes alleged confession of the burning of the Mt. Zion AME Church, Aug. 21, the Friendship Baptist Church, Oct. 3, and the school building, Nov. 22, has been "fully corroborated" by circumstances and no further arrests are contemplated.

Three other colored persons who had been questioned, including Mrs. Catlin and Willie Malcolm have been released, added Mrs. Pollock, who said also that no discussion has been held on the awarding of $900 in rewards.

Whites Want Land

Grimes's arrest on Dec. 9 followed rumors that the fires may have been the result of a feud among colored people in Loganville. These rumors, however, have been vehemently denied by colored people of that community.

Instead, they blamed the fires on colored ownership of valuable property, which fronts on the almost in the Mount Zion Church yard. This Loganville-Athens highway, which is on high ground, with property is to be cleared, and soon drainage, through the center with a new way, which will further balloon the value of the land.

One of the factors believed to have caused the burnings was the proximity of Mount Zion AME Church to a white cemetery, which had been until burials were be-the Mayor and City Council, was written in reply to a petition for tionships at this time by a proper consideration of all the facts in arriving at a decision as to where this church shall be built.

"For your membership ot take an antagonistic attitude and spurn the interest and efforts of their friends is but to prolong on aggravating situation, and intensify opposition."

Physician Offers Acre Elsewhere

Another letter, written by Dr. Charles S. Ford, a white physician, to the Rev. Mr. Britton, also supports the theory that the desire of

white people to obtain this property may have some bearings on the fires.

"If the officials of your church will agree to move their location, I will give you in exchange for your present lot, one acre of ground just north of the colored school building and a gift of $500 cash toward helping you erect a new building," Dr. Ford wrote.

The Rev. Mr. Britton said there was strong belief that the burnings were the aftermath of the Walton County mass lynchings of two men and their wives in 1946. Although little was said about it then, the Rev. Mr. Britton added, a colored school was burned shortly after the 1946 lynchings.

"A Good Church Worker"

Grimes was inducted into the Army at Fort Benning, Ga., July 11, 1942, and discharged Nov. 30, 1943. He has a fourth grade education.

The father of three children, ages 9, 3 and 1, he lived with his wife at Loganville. A member of the deacon board of the Friendship Baptist Church, Grimes said, "They call me a good church worker."

He is a disabled veteran, he is receiving a pension of $27 a month from the Veterans Administration. He was due to return to the Tuskegee Veterans' Facility for treatment a month ago. He spent a month there for treatment of head and hip injuries and broke his leg six months ago.

Grimes has been a sharecropper on the farm of Jim Moore for a year. Previously, he farmed for H. O. Byrd. He has a $150 loan on nine bales of cotton from the Farm Credit Administration.

Governor "Happy"

At Atlanta, Governor Melvin E. Thompson, commenting on the case said:

"I am happy to learn that the solution to this case showed that there was no antagonism between the races in Loganville and Walton County.

"In my opinion, if politicians who wish to use the race issue for their own selfish purposes and if out-of-State interests who do not understand the race problem in the South would leave the race issue along, good white people and good colored people working together could solve their problems with a minimum of difficulty."

Restrictive Deed Case to Be Tried

Afro American

Chicago Judge Refuses to Dismiss Novel Suit

Baltimore Md.

CHICAGO—Judge John Prystalski last week overruled a motion to dismiss a novel suit in ejection brought by Mrs. Bessie Lowenmeyer, 6912 N. Ahland Ave., seeking to oust Ross Brown, owner, of 9325 South Park Ave., and James G. McVey, white owner of 404-06 E. 94th St., who leased to non-Caucasians.

She says the deed restriction against "non-Caucasions," created in 1917, was placed on 15 parcels, including these two, in Vernon Park subdivision, when she and her late husband, Benjamin, conveyed them to John Houston.

The clause provided if they were ever conveyed to or occupied by other than white persons, title would revert to the Lowenmeyers. Loring B. Moore, attorney, representing the defendants and the NAACP, argued that 15 parcels would have to be conveyed or occupied before the clause is applicable. Sat. 5-24-47

He also used the arguments of public policy and constiutional questions applying to restrictive covenants. Judge Prystalski, who has had the case before him over a year, ordered the defendants to file an answer. Sat. 5-24-47

Chicago Fights Realty Covenants

Afro-American

CHICAGO. (ANP)—Two legal battles against restrictive covenants opened here last week. In one case, Giblin vs. Rosenthal, before Chancery Judge Mayer Goldberg, hearings were discontinued when testimony revealed the agreement sued upon was never properly signed by the property owners of the area.

Baltimore, Md.

Charles B. Maloney, a plaintiff's witness, admitted under cross-examination by defense attorney, Loring B. Moore, that James D. Peacock, a notary public, applied his certificate of acknowledgment without having the signers of the covenant appear before him. Sat. 8-31-47

Refuses Restraining Order

The other case, the Park Manor Improvement Association of white property owners vs. Guy H. Rutt, Central National Bank of Chicago, Mr. and Mrs. Robert Green, Mrs. Mary Taylor, W. H. Garrette and Company, A. Wexler, and others, had its first hearing before Judge Philip J. Finnegan last Thursday.

The judge ordered the plaintiffs to file photostatic copies of the agreement sued upon, and refused to grant a temporary restraining order against the defendants.

Hoodlums Stone Chicago Defender South Side Home

Sat. 7-12-47

A mob of more than 2,000 white hoodlums milled about the newly purchased home of Cleo Byrd Sr., at 5620 S. Wells st., last Wednesday night and threatened damage to the property and violence to the occupants, while a handful of ring leaders threw stones through the windows. The outburst was an effort to intimidate Byrd from occupying the property in a block where he is the first Negro to move in, ignoring a restrictive covenant covering the properties in the block.

A police riot squad rushed to the scene, and dispersed the mob, but allowed then to congregate at the corner, and to mill about in the block shouting threats at Byrd and his family. The following night, in spite of the presence of a police guard, youthful white hoodlums threw firecrackers and sparklers at the house. Chicago, Ill.

Protests by the NAACP and the Mayor's Commission on Human Relations brought a promise from Police Captain Patrick J. Collins that adequate police protection would be given the Byrd family. Byrd, in defiance of the mob, has declared that he will continue to occupy his property.

Raging Covenanters Turn Against Realtors

Chicago Defender

The restrictive covenant people are taking a beating in the courts (credit Atty. Loring B. Moore), and their street mobs are being broken up (credit several race relations agencies), so they have now turned their ire on realtors who sell to Negroes in so-called white areas. Twice in one week they have stoned the offices of W. H. Garrette and company, and once they have tried arson. Each attack is followed by phone calls ordering them out of business or threatening to kill all the agents and destroy the office, says Aubrie Woodall, general manager of the company. 9-26-47

War Vet Held for Hearing

Afro American

Shoots White Intruder While House in Flames

BLOCK ALL-WHITE

Baltimore Md.

Tension Explodes Over Purchase by Family

By PEYTON GRAY

10-18-47

BALTIMORE

Protecting the home into which he had just moved in the all-white 700-block of W. Fayette St., a 27-year-old war veteran killed a white seaman intruder with a well-aimed shot through the forehead, early Saturday.

Later that day, the veteran, Carnell Simmons of 713 W. Fayette St was held without bail for a hearing before an assistant State's Attorney.

The shooting climaxed a period of 10 long nerve-wrecking and tense hours during which shots were fired through the windows of the 3-story house, and a fire was started in the vestibule.

Crowd Gathers, Murmurs

The house, with 14 large rooms and 4 baths, is one of three purchased recently in that block by Mr. and Mrs. James Williams, who live at 532 N. Calhoun St.

Late Friday, Mr. and Mrs. Simmons and Mr. and Mrs. William Brown moved into the house, and a crowed of curious white hillbilly neighbors gathered as the families were moving furniture inside.

With solemn and angry looks on their faces, they stood in small groups mumbling among themselves. 10-18-47

Owner Stands by Tenants

Others, resembling characters from Erskine Caldwell's novel "Tobacco Road," hung from the windows of the nearby houses. Nothing was said to the new tenants, however.

Suspecting possible trouble that evening, the new owner, Mrs. Josephine Williams, remained with her tenants.

Shots Fired Into House

About 6 p.m., well before twilight and at the height of the Saturday evening marketing rush (Lexington Market being one block away), a shot crashed through a first-floor front window and embedded itself in a doorway.

Frightened, Mrs. Williams and a friend rushed to the front door but were unable to tell whence the shot came. They re-entered a middle room and began discussing the incident.

Several hours later, two more shots rang out and lead pellets zipped through two of the front windows on the second floor.

Vestibule Set Ablaze

One of the bullets barely missed Mrs. Naomi Simmons who was lying in bed directly under one of the windows.

Shaken by the unexpected attack, the puzzled occupants huddled in the second-floor hallway hoping for the best, and praying that the shots would attract policemen from the Pine St. station house less than two blocks away.

Suddenly, Mrs. Williams smelled smoke and looking down the stairway saw the woodwork in the vestibule ablaze.

Intruder's Action Cited

Mrs. Simmons, who is to become a mother in January, rushed barefooted down the stairs, through the flames, and out into the street.

She told a friend she met a white man in the vestibule who attempted to push her back into the house but she shoved him back and kept going.

Frantic and with safety being his only thought, 14-year-old William Brown Jr., who lived with his parents on the third floor, front, likewise rushed to the front door.

As he opened it, a white man shoved him back inside and slammed the door shut. This action was repeated before the child ran back up the stairs.

Vet Fires at Intruder

A few seconds later, witnesses said, Simmons, who served overseas during the war, fired three shots at the figure yet standing in the blazing vestibule.

Sgt. Richard Johnson and Patrolman Frank Malzer, standing less than one-quarter of a block away, heard the shots, saw the flames and sounded a fire alarm.

Body Found

Going to the scene of the action, the officers found the body of the seaman slumped in the vestibule, blood streaming from a bullet hole in his forehead.

The man, later identified as William Mayo, 49, of Quincy, Mass., was pronounced dead at a nearby hospital and his body taken to the morgue. Baltimore Md.

The occupants of the house, found huddled together in a first-floor rear room, were taken to the Western police station for questioning where Simmons was charged with the shooting.

Family to Remain

Late Saturday evening, Mrs. Simmons packed her clothing along with two other new tenants and moved. 10-18-47

On Sunday, however, Mrs. Brown said that she and her family, consisting of her husband, William Sr., a daughter, Elizabeth, 16, and William Jr., intend to remain and stick-it-out.

Police on Guard

To forestall possible future racial trouble and molesting of the residents, Captain Rollman of Western district ordered a 24-hour police guard at the premises.

According to police, the residents of the block in question have caused quite some trouble among themselves during recent years.

Though the 700 block of West Fayette St., prior to Friday, has been occupied by whites only, Vine St. to the north, and Fairmount Ave. to the south, are populated by colored residents.

Many Taverns in Area

The neighborhood has numerous taverns with side or back door colored trade. On passing some of these taverns and lunchrooms one may hear the strains of hillbilly music coming from the juke-boxes.

Mrs. Williams has a son, Jesse Jr., in his second year at Howard University Medical School, and owns several properties in Northwest Baltimore in addition to the Fayette St. houses.

Mob Threatens Negro Home On Southside

Defender Chicago, Ill.

Sat. 10-25-47

Eight police squads were called early Wednesday night to disperse a mob of more than 150 whites protesting Negro families occupying a building at 6710 Wabash ave.

The crowd began gathering at 5 p.m., when residents in the block learned Roosevelt Redding's family had moved into the building. At 10 p.m. the crowd swelled when someone among it put through a false fire alarm.

Capt. Michael Spatz of the Woodlawn police district blamed the former owner of the building, Frank G. Vacelakos, for attracting the crowd. Spatz said that Vacelakos sold the building to colored, but when they came to occupy the structure, Vacelakos stood in front of it and yelled:

Blame Former Owner

"The N——s are taking my building from me."

Vacelakos was questioned on charges of inciting a riot. Aubrie Woodall, manager and director of the W. H. Garette Real Estate Co., 5537 Wentworth ave., said his firm purchased the building from Vacelakos several months ago. Sat. 10-25-47

Restrictive Covenant Victims

Mr. and Mrs. Frank Gassi with son, Charles, of Chicago.

CHICAGO—The usual trend of events was reversed here last week when a down-State judge threatened to evict Frank Gassi, 35-year-old white musician from the home Gassi owns on West Washington Boulevard because Gassi is married to a colored woman. The couple has a six-year-old son.

Gassi's wife is known as "Christine Randolph," and is a singer and pianist at "Tin Pan Alley," a night club located on East Oak Street. The suit against them was brought by two neighbors, who claim that real estate agents broke existing restrictive covenant clauses in selling the property to Gassi, who bought it for $11,000 in June, 1946. Decision in the case was postponed until Nov. 5, after it had been handled by two judges, one of whom was charged with having a slight "anti-Negro" tinge.

Ban Against Chi Home Owners Lifted By Judge Refuses New Injunction Application

Chicago — (ANP) — Evanston's Judge Harry H. Porter, sitting as a special jurist of the Cook County Superior court, dissolved a temporary injunction restraining Mr. and Mrs. Alex Yarbro, purchasers of property at 5928 South LaSalle street, from occupying the premises here last week. The injunction had been granted Mrs. Emilie Senger, white owner of neighboring property, by Judge Frank M. Padden last April 10.

In dissolving the injunction, Judge Porter ruled that it had been improperly issued because the couple had not been given notice of the time and place of the application Mrs. Senger had contended in the petition that the Yarbros were trying to take possession of the property and should he enjoined from doing so under a restrictive agreement because of their color.

MOTION DENIED

Before the injunction had been dissolved, Mrs. Senger gave notice of an application for a new temporary injuncion. Attys. Loring B Moore and Sydney P. Brown, representing the Yarbro couple, bitterly contested the application. Judge Porter denied the motion for a new injunction, but gave the woman leave to file an amended complaint within 20 days.

Meanwhile, the Yarbros filed a "suggestion of damages" amounting to $500 against Mrs. Senger for obtaining the "wrongful issuance of the injunction."

According to Atty. Moore, no cases remain on docket in which colored persons have been enjoined from occupying property purchased by them. This includes the 21 cases which the two attorneys have handled for the Chicago NAACP branch. Nor are there any cases now pending in which colored home owners have been kept out of property which was purchased in so-called "restricted districts."

Evanston Pair Given Right to Live in Home

CHICAGO (ANP) — Evanston's Judge Harry H. Porter, sitting as a special jurist of the Cook County Superior Court, dissolved a temporary injunction restraining Mr. and Mrs. Alex Yarbro, purchasers of property at 5928 South Lasalle St., from occupying the premises, here last week.

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Meanwhile, the Yarbros filed a "suggestion of damages" amounting to $500 against Mrs. Senger for obtaining the "wrongful issuance of the injunction." Sonny B. Moore Loring B. Moore and Sydney P. Brown were the Yarbro's attorneys.

Ill. Judge Upholds Covenant, but Condemns the Practice

CHICAGO (NNPA)—Judge Robert E. Crowe of Superior Court, last Friday upheld a restrictive covenant barring colored persons from occupying a South Side hotel but at the same time declared that such covenants are "repugnant to the Declaration of Independence, the Constitution . . . and the real American concept of liberty."

Judge Crowe, in his opinion, said:

"To hold that a covenant may be entered into by property owners which would deprive any citizen of his right to live in any portion of our city, and restrict him to homes in the slums, because of his religion or color, to me is repugnant to the Declaration of Independence, the United States Constitution and the real concept of liberty.

'To adopt the other view as settled public policy of this country would damn us as the most hypecritical nation in the world." The order will force 22 persons to vacate the hotel in 30 days. However, the hotel's attorney Loring B. Moore, said he would appeal the case.

REVERSAL IN OFFING

Illinois Restrictive Covenant Decision Paves Way For Appeal

Pointing out that Superior Judge Robert E. Crowe in entering his own dissenting opinion last week along with a ruling supporting the validity of Illinois restrictive covenants had opened the way for appeal and reversal of the decision, Atty. Loring B. Moore, NAACP counsel, this week acclaimed the unusual action as brilliant legal procedure.

In the first restrictive covenant ruling in Illinois in a decade, Judge Crowe signed a decree which had been upheld 18 months before by Superior Judge John P. McGoorty who at that time was assigned to the case.

But with the decree upholding restrictive pacts, Judge Crowe also issued a statement explaining that he disagreed entirely with Judge McGoorty's contention that the state could condone laws or contracts preventing the sale or rental of property to Negro citizens.

In a declaration which Attorney Moore says will go far toward influencing the decision favorably in an appeal, Judge Crowe said:

Ghetto Laws "Unthinkable"

"To hold that the courts may by judicial decision create ghettos or black towns for American citizens because of their religion or color to me is unthinkable. I believe the founding fathers did not contemplate that American citizens belonging to minority groups should be treated as inferior races and denied any of the rights enjoyed under the laws by other United States citizens.

"Unfortunately I cannot review and set aside the decision of my colleague in this case," Judge Crowe explained, referring to the decision of Judge McGoorty. "That, I regret, in this case, is the prerogative reserved to the Appellate or Supreme Courts."

Paves Way For Appeal

And Attorney Moore, representing NAACP in the suit which he carefully prepared as a test case, points out that this dissenting opinion and coincident action taken by Judge Crowe in the suit of Tovey vs. Levy dealing with ten-ancy of a three-story building at 417-21 W. 60th st., paves the way for an appeal.

The decree signed by Judge Crowe orders the eviction after 30 days of the Cadillac hotel corporation and 22 Negro tenants at that address because of a contract signed in 1928 by previous owners covering the area between 60th and 61st, Stewart and Normal sts. has protected the defendants' right to appeal and at the same time, has invited consideration of the favorable consideration of the appeals court.

"He caused his opinion to be read by the opposing lawyer, Joseph J. Sullivan Jr., to the court room."

Calls Ruling A Victory

"From our point of view," said Attorney Moore, "I think we should consider what has happened as be-action by Judge Crowe, who re-ing satisfactory. The written opin-ion of Judge Crowe tired from the bench Saturday, ad-decree which was entowe negatives thedressed to him the following words poses of appeal. We s entered for pur-of appreciation:

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He stated further that "Judge Crowe has gone further than any other judge in this state in denouncing the un-American practice of race restriction and has hit a judicial enforcement of racial restrictions a devastating blow. He has protected the defendants' right to appeal and at the same time, has invited favorable consideration of the appeals court.

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49 1947

Lawyers' Conference

Walter White

People, Politics And Places

An Impressive Meeting

NEWMAN LEVY, brilliant New York lawyer, prominent in the affairs of the American Jewish Committee, and author of the witty satires, "Opera Guyed" and "Theatre Guyed" said of the lawyers' conference on restrictive covenants held in New York on Sept. 6, that it was the most impressive meeting of its kind he had ever attended. "Every lawyer here knows what he is talking about and approaches the subject with not only obvious careful study but with profound understanding of the social and economic implications of restrictive covenants. No one wastes any time and nobody is trying to show off."

Newman Levy is right. Some thirty lawyers assembled in the Willkie Memorial Building from all over the United States at the invitation of the NAACP and at their own expense. They came to pool their thinking and experience in the several hundred cases now pending in state and federal courts to test the constitutionality of the evil device which is spreading like wildfire all over the country to restrict minorities, particularly the Negro, in ghettoes.

Loren Miller from Los Angeles, George Vaughn from St. Louis, Charles Houston and Leon Ransom from Washington, William Hastie from the Virgin Islands, W. Robert Ming Jr., Loring Moore and Sidney Jones from Chicago and Willis Graves and Francis Dent from Detroit came to share their knowledge with lawyers representing labor, minority, church and civic rights' organizations.

The result was a phenomenally helpful conference that may conceivably cause the United States Supreme Court to decide this issue instead of evading a decision on jurisdictional grounds as has been the case to date.

Covenant Menace Alarming

THE MENACE OF COVENANTS to minorities has grown to an alarming extent all over the country. While Negroes have been the chief sufferers, Jews have been the victims in Virginia, Maryland and Ohio, Orientals in California and other Western states, Mexicans and Indians and Chinese in the Southwest.

Unless the use of such covenants is stopped it is within the range of possibility that other religious, economic and social minorities as well as racials ones may find themselves barred from purchasing or occupying property because previous owners, perhaps long since dead or moved to other locations, were bigoted enough to write into the deeds to that property covenants prohibiting its sale to any but white, Gentile, protestant, native-born, Republican, blonde Americans earning a minimum of a certain number of dollars a year.

Sounds silly and impossible, doesn't it? Unfortunately it isn't, as certain other minorities have found out within recent years. About 20 years ago when the NAACP was carrying to the Supreme Court a restrictive covenant case arising in the District of Columbia I sought to interest the leaders of two powerful religious minorities in the basic principle involved.

We neither asked nor needed any legal or financial aid as that had already been arranged. I pointed out that if covenants could be used and their use upheld by the courts against Negroes it was possible and probable they would be invoked against other minorities. My reception was astounding and painful—I was given clearly to understand that the persons to whom I pointed this out rejected and resented the implication that there was anything in common between their situation and that of the Negro.

But a lot of water has flowed under the bridges of the world since then, water reddened with the blood let from the jugular veins of the world by war and Hitler. We have moved forward at least to the extent that we have learned that oppression of one minority anywhere in American or the world directly and inevitably endangers the status of every other minority.

Two Cases On Docket

AT PRESENT, two cases are scheduled to be heard by the Supreme Court at the fall term, one of them from Michigan and the other from Missouri. A third case from Ohio and a fourth from the District of Columbia are headed towards the highest court.

How vital to the problem of finding a place to live the decisions in these cases will be to the Negro is to be seen in the fact that not less than 80 per cent (some authorities say it is nearer 95 per cent) of property not now occupied by Negroes in Chicago is covenanted against sale or rental to or occupancy by Negroes. From Los Angeles to Long Island the plague spreads like an evil and loathesome epidemic.

But the lawyers who met in New York on one of the hottest days of the summer of 1947 are determined to make it even hotter for selfish and bigoted American who enter into such covenants and then demand that state and federal courts uphold and enforce private agreements aimed at segregation and degradation of fellow-Americans who happen to be colored or worship God in a different place.

HITLERIA—This is the property at 1539 N. Caroline St., which Mrs. Ethel M. Marks, wife of an overseas soldier and mother of six children, was ordered to vacate, last week, when Judge John T. Tucker upheld in Circuit Court a restrictive covenant drawn against the house by neighborhood whites. Efforts to reopen the caes on behalf of the matron, who failed to contest the first proceedings, were made Friday by Fred E. Weisgal, attorney. As a result, her white opponents must show cause within 15 days why Mrs. Marks should not be allowed to answer their original bill of complaint.

BIGOTRY IN BETHESDA

Chicago Defender Ill.

Nine lily-white "Christians" in an exclusive section of Bethesda, Maryland, filed suit to force a gentile wife to oust her Jewish husband from the restricted Bethesda neighborhood. Negroes, Jews and other "undesirables" were barred from this area and the neighbors were determined that the restrictions be maintained. Sat

Last week, however, as this scandalous incident caused angry comment across the nation, the lily-white "Christians" backed down and withdrew their suit. 10-4-47 The Jewish neighbor intends to go forward with the court action to test the legality of these restrictions. This outrageous case highlights the absurdity of such property restrictions.

It is an old story to us and we know that when bigots feel free to abuse one racial minority, sooner or later they attack another. Until the good earth of America is free of such restrictions, no racial or religious minority is safe.

Mother Fails to Fight Suit

Afro American

Confused, Bewildered About Proceedings

Baltimore Md.

RE-HEARING ASKED

AFRO-Exposed Group Behind Ouster Order

Sept 27-47

BALTIMORE

Confused and bewildered about the entire proceedings, Mrs. Ethel M. Marks, wife, and the six children of a soldier now on duty in Japan, were practically homeless, Tuesday, when a Circuit Court order upheld a restrictive covenant drawn up by neighborhood whites, and instructed her to vacate the premises.

The litigation concerning property Mrs. Marks is purchasing at 1539 N. Caroline St. for $7,550, bared once more the prejudices of the Northeast Baltimore Improvement Association, which reportedly includes 2,000 property owners who have drawn up 65 block agreements against colored tenancy in 70 blocks in that section.

Meanwhile, steps to gain a rehearing in the case were taken on behalf of Mrs. Marks, Wednesday, by Fred E. Weisgal, attorney, who said he would immediately file a petition to strike out the decree.

Injunction Not Protested

Judge John T. Tucker handed down the order to vacate the house when Mrs. Marks, being utterly confused about the matter, failed to contest the injunction brought by members of the association.

If the case is returned to the Circuit Court on the basis of a show-cause order and is heard on its merits, then there will be some basis of appeal in the event that the covenant is again upheld.

Leading the fight against the matron who moved into the house last June, and whose husband is with the Army in Japan, was Joseph Kearney, president of the association, who lives at 1529 N. Caroline St. 9-21-47

Bigots Have Field Day

He declared when testifying:

"Colored people do not take care of their homes and allow them to deteriorate. Once they move in, the neighborhood goes downhill fast. I am too old to start buying another home today."

He was supported by Mrs. Annie H. Harrigan, a retired school teacher, who owns property at 1520 and 1524 and who served as "block captain" in obtaining 33 signatures for the covenant drawn up in 1940.

These people revealed that three other properties in the block were tied up in a similar agreement in July, 1946. This meant that 36 of the 41 three-story houses in that block are covered by restricted agreements.

One of the other persons who testified against Mrs. Marks was William B. Denny, real estate operator and licensed broker, who declared that he had "owned, bought and sold colored property." Afro American

Denny added:

"As a general rule, colored people do not take care of the property they occupy. The social situation between white and colored, being what it is in Baltimore, the white occupants would be obliged to move.

"Anyone forced to move would have great difficulty finding a new home."

5 Houses Colored-Owned

Meanwhile, colored persons are occupying five other houses in the block in question, three of which are covered by the covenant.

These include 1507, rented by Mrs. Dinah Washington, her two sons and daughter-in-law. They said Wednesday that the landlord asked them to move after they occupied the house a little over a week ago, because of an OPA regulation restricting its use to one family. Baltimore Md.

The property, 1541, located next door to Mrs. Marks's home on the corner of Federal St., houses a cleaning establishment, owned by Charles Roberts, who said he is purchasing the place for $11,000 and will rent the upstairs rooms to colored tenants.

At 1516, Mr. and Mrs. James Williams moved in two weeks ago, and according to Mrs. Williams, they were assured that it would be safe to buy the property in spite of the covenant.

Covenant Revokation Tried

The other homes occupied by colored persons and which are not included in the "block agreement" are 1530 and 1512, the second being an apartment house owned for the past year by the trustees of Faith Baptist Church.

However, an undercurrent indication that whites in the block sense the inevitable approach of a complete infiltration, and wish to sell their property to colored persons was apparent with the discovery of a second petition being circulated.

In this petition, six of the original signers, in addition to owners who have since taken over other property in the block, plan to revoke the covenant.

According to legal practice, 51% of the original signers may revoke the agreement through such a petition.

Md. Court Upheld Agreement

The argument this week by Thomas J. Kenney, counsel for the complainants against Mrs. Marks was that the agreement was good, based on the Maryland Court of Appeals' decision in 1938 in Meade v. Denistone.

It was ruled in this case, according to the attorney, that:

"The inhibitions in the 14th Amendment regarding denial of equal protection of laws does not affect the rights of individuals to contract with respect to their property.

"Consequently, it does not affect the validity of an agreement among property owners barring occupancy of their property by persons of African descent."

Buyer Unaware of Agreement

Mrs. Marks contracted in June to purchase the house from Morris Harmot, to whom the house was assigned in October, 1946, by Harry Goodman, papers in the case reveal.

Mr. Goodman received the assignment to the house on Nov. 13, 1945, from Clara and William Bannon, who had signed the block agreement, it was also learned.

Mrs. Marks declared that she really did not know the real implications of the restrictions on the house when she moved in, and chided herself for not having obtained the services of a lawyer.

Former Abode Sold

She began to buy the house after six children ranging in age from the quarters she rented in the 1200 five to 16 years.

Covenant to Restrict

Aaron Tushin, a blond, soft-spoken patent attorney for the Department of Commerce, bought a colonial-style, clapboard house, one of 52 in Bannockburn Heights, a Maryland suburban area adjacent to Washington. When he and his wife took joint title to the house, they never noticed a clause in the deed: "Said property shall never be occupied by Negroes, Jews, Persians, and Syrians."

husband, Woodson, who has been in the Army two years, includes Tushin first heard about this restrictive covenant last April when nine residents of

Bannockburn Heights brought suit in Montgomery County Court to evict him. Their action, opposed by a majority of the suburb's residents, contained a peculiarly savage twist: Since Mrs. Tushin was Christian and a part owner of the property, they petitioned the court to compel her to evict her Jewish husband. The suit said nothing about the disposition of the three Tushin children, aged 14, 11, and 1. The nine plaintiffs, none of whom was an immediate neighbor of the Tushins, claimed they were suffering "irreparable damage" because of Tushin's religion.

The Hot Spot: Not until Sept. 13, when Tushin filed notice in court that he would fight the eviction suit, was the story published. When it broke, the nine plaintiffs were nonplussed by the publicity. On the hottest spot was a $10,000-a-year government employe, J. Otis Garber, chief of the Budget Bureau's field service, who explained: "I have friends of many races and nationalities. It's just a question of principle." He was hauled on the carpet by his boss, Budget Director James E. Webb, who called the suit "downright Hitlerism."9-29-47

Mrs. Mary Shoemaker, a dentist's wife who signed with her maiden name, readily explained her action: "We moved here because Jews weren't allowed. You know very well when Jews move into a neighborhood it goes down." Her husband admitted he had Jewish patients.

Last week, as community resentment against the suit mounted, the nine plaintiffs grudgingly decided to drop it "until such time as it can be brought up as a purely legal issue." Though glad of the outcome, Anti-Defamation League officials were sorry to have lost a "perfect case" for a Supreme Court test of the validity of anti-Semitic restrictive covenants. Tushin, overwhelmed by sympathetic calls and offers of his immediate neighbors to help, announced that his faith had been renewed in "the essential decency of people."

49 1947

Michigan

Michigan Case Highlights Alleged Wrongs

Daily World
49
Atlanta, Ga.
Sun. 11-23-47

WASHINGTON, D. C.— (NNPA) —While sundry arguments are advanced against the validity of racial restrictive covenants in the 91-page brief filed in the United States Supreme Court last Monday in the Michigan case, emphasis is put on judicial enforcement of such agreements as violative of the constitutional rights. Sun. 11-23-47

The Michigan case is before the United States Supreme Court for a review of the decision of the Michigan Supreme Court affirming the judgement of the Wayne County Circuit Court requiring Mr. and Mrs. Orsel McGhee to move from property they had purchased at 4626 Seabaldt avenue, Detroit, upon which there is a restrictive covenant.

Under the Fourteenth Ammenrment, the brief asserts, no state may deny rights to use and occupy real estate as a home to any person solely because of his race, color, religion or national origin.

BUCHANAN CASE CITED

The case of Buchanan vs Warley is cited. That case involved a Louisville, Kentucky, ordinance prohibiting the occupancy of lots by colored persons in blocks where a majority of the residences were occupied by white persons, and vice versa. The Supreme Court held the ordinance invalid because it was state action forbidden by the United States Constitution.

11-23-47

The battery of lawyers representing the McGhees then argue that judicial enforcement of the covenant covering the property of the McGhees is a denial by the State of Michigan of the McGhee's constitutional rights. They maintain that it was the decree of the State court which denied the McGhees the use and occupancy of their home.

"Failures of the petitioners to comply with the order of the court would set in motion governmental machinery leading to contempt citations and imprisonment in the jails maintained by the State of Michigan," the brief asserts.

11-23-47

The argument is advanced that while no state-sanctioned discrimination can be consistent with the Fourteenth Ammendment, the nationwide destruction of human and economic values which results from racial residential segregation makes this form of discrimination peculiarly repugant.

UNIFORM PATERN

"Judicial enforcement of restrictive covenants has created a uniform pattern of unprecedented overcrowding and congestion in the housing of Negroes and an appalling deterioration of their dwelling conditions," it is argured. "The extension and aggravation of slum conditions have in turn resulted in a serious rise in disease, crime, vice, racial tension and mob violence."

Daily World.

This argument is buttressed by quotation of statistics showing that in Detroit the non-white population which consituted 7 per cent of the population in 1940 and occupied 7 per cent of the dwelling units in the area by 1947 had increased to 13 per cent of the residents but occupied only 11 per cent of the dwelling uuits. Statistics also showed in other cities where racial restrictive covenants are prevalent, non-whites similarly failed to get a numerical share of existing housing proportionate to their percentage in the total population.

Atlanta, Ga.

From the statistical data attorneys for the petitioners conclude "Because Negroes have been unable to move freely to new living quarters the Black Ghettos have become increasingly and dangerously overcrowded."

Sun. 11-23-47

Another effect of restrictive covenants and the sanction given them they say is that "a large and important segment of our population lives in unparalleled squalor."

They also argue that residential segregation has ill effects on health makes slum maintenance costly, and causes segregation in all aspects of life and increases group tensions and mob violence.

Supreme Court Grants Afro Americans Baltimore, Md. Stay in Covenant Case

Sat. 11-22-47

By CHARLES J. WARTMAN

DETROIT—(ANP) — Another round in the fight to test the legality of restrictive covenants in Michigan was won last week when the United States Supreme Court granted a stay of proceedings in the Sipes vs. McGhee restrictive covenant case.

49

This action by the U.S. Court delays the action of the Michigan State Supreme Court, which ordered the McGhees to evacuate their home on Seebaldt, where they have lived for more than two years.

Handled Covenant Cases

The case for the McGhees was presented by Willis M. Graves and Francis Dent, NAACP attorneys, who have been handling restrictive covenant cases for the branch for the last several years.

The writ granting the stay of proceedings in the McGhee case was handed down by the Chief Justice Fred Vinson.

The McGhee case, originally heard in Michigan's lower courts, has been carried through all Michigan courts and is now to be heard by the U.S. Supreme Court.

14th Amendment Enforced

The NAACP, in presenting this question to the court, has argued that the 14th Amendment, which states that "no State shall make or enforce a law which abridges the rights of citizens," applies to restrictive covenants, which curtail the movements of Negroes and limits areas in which they may live."

The attorneys set forth the argument that restrictive covenants abridge the rights of citizens and therefore are not enforceable by the courts. Sat. 11-22-47

THEIR FIGHT GOES TO U.S. SUPREME COURT

MR. and MRS. ORSEL McGHEE SR.

Whose right to live in the home they purchased in 1944 at 4626 Seebaldt, was denied last week by the Michigan State Supreme Court. The McGhees review a newspaper account of the court's upholding of a restrictive covenant signed by a number of the all-white community's residents. Mr. and Mrs. McGhee, who have two sons in the army, one overseas, will take their case to the U. S. Supreme Court with the backing of the NAACP.—D. L. Collins photo.

SUPREME COURT RULES AGAINST M'GHEE FAMILY

Michigan Chronicle
Detroit, Michigan

Restrictive Covenants Held Legal In Court Opinion

Sat. 1-11-47

The efforts of Negroes in Michigan to get better housing was given a temporary setback when the State Supreme Court handed down a unanimous opinion declaring restrictive covenants in Michigan legal.

The opinion was given on an appeal of the verdict of Circuit Guy M. Miller in the case of Mr. and Mrs. Orsell McGhee, 4226 Seebaldt, against Benjamin and Anna Sipes, and other white neighbors who charged restrictive covenants prohibited them from occupying the property they bought in 1944.

Case Appealed

Judge Miller ruled against McGhee, and the NAACP, through its attorneys, Willis M. Graves and Francis M. Dent, appealed the decision to the State Supreme Court.

Justice George Bushnell, who wrote the opinion, said:

"We are obliged to differentiate between public rights and contractual rights. The former is unquestionably a responsibility of the state, but the action of a state court in requiring or refusing the enforcement of private contractual right is, in our opinion, not within the prohibition of the Fourteenth Amendment."

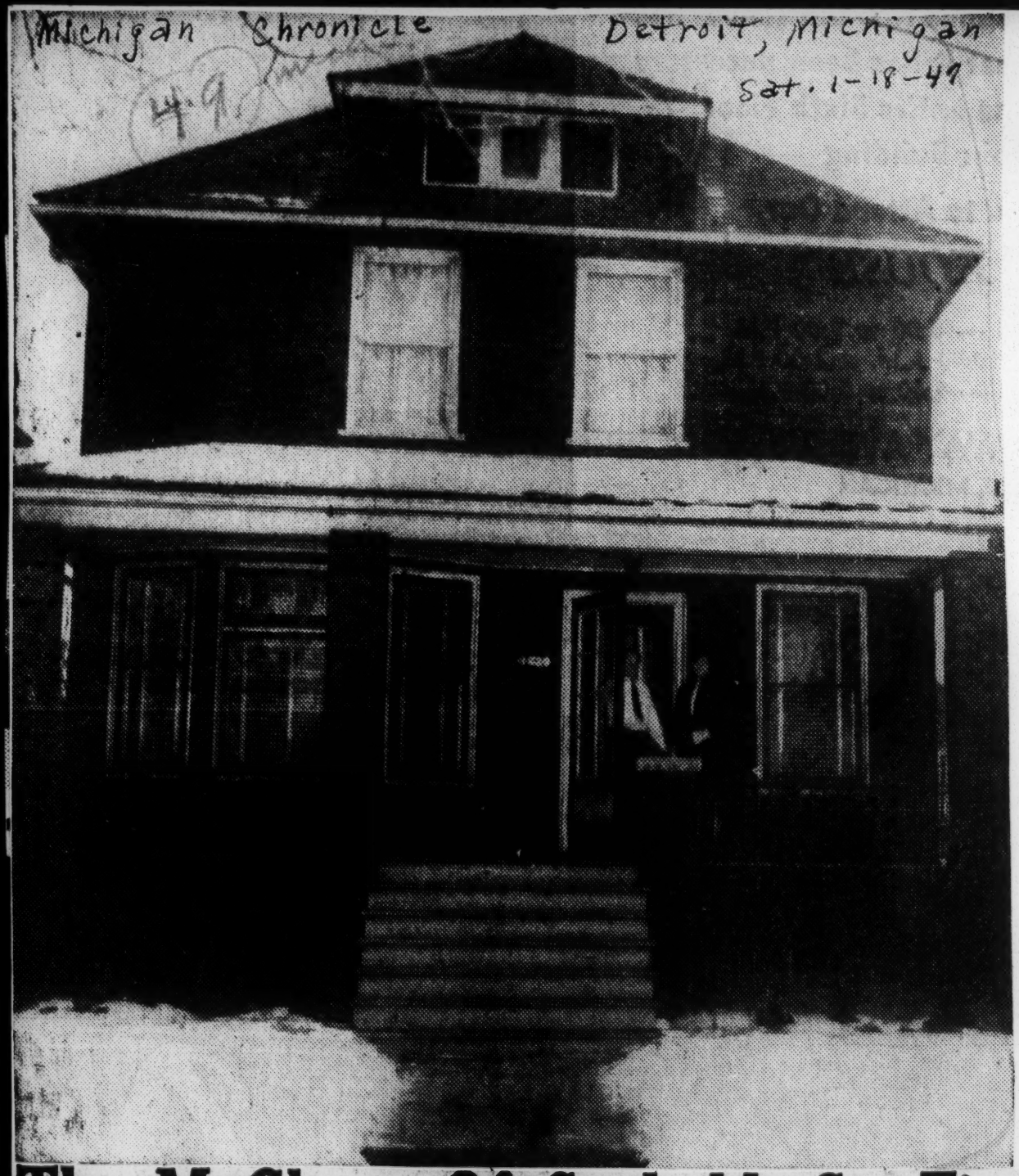
The decision in the McGhee case was the first of nine cases against restrictive covenants that the Detroit Branch of the NAACP has before the State Supreme Court.

Will Continue Fight

Edward A. Swan, executive secretary of the branch, said that while he was disappointed in the opinion of the supreme court, the branch would continue to push the eight remaining cases before the high court. Sat. 1-11-47

When McGhee bought the property on Seebaldt, between Firwood and Beechwood, 80 per cent of the white neighbors had signed the restrictive covenant which was put on the property in 1935.

A family's home is its castle and Mr. and Mrs. Orsel McGhee Sr., intend to do battle with every legal device at their command to retain the residence they bought more than two years ago in a community designated as "all-white" by restrictive covenant-signing neighbors, despite a recent state supreme court ruling upholding the undemocratic pact. The McGhees reside at 4626 Seebaldt. Immediately after receiving the news that the Michigan Supreme Court has ruled against them in their fight against a neighborhood restrictive covenant, Mr. and Mrs. Orsel McGhee Sr., began steps to take the case to the country's highest judiciary, the U. S. Supreme Court. Here, McGhee phones the local NAACP office to discuss the next move. Photograph on table is that or Orsel Jr., younger of two sons, who is overseas with the army.—D. L. Collins photo.



Michigan Chronicle Detroit, Michigan
4-9 Sat. 1-18-49

The McGhees Of Seebaldt St. Find Democracy Plays Strange Tricks

Michigan Chronicle Detroit, Michigan
Sat. 1-11-47

By JAMES C. APPERSON

The McGhees of Seebaldt seem like anything but an undesirable family.

But that's a funny thing about a democracy—you can't expect to know everything about the people you come in contact with, so there are agencies that decide what's right and what's wrong, like policemen and judges and supreme courts.

The McGhees behave just about like the popular conception of the average American family. They're neat, likeable people, trim their lawn in the spring and summer, keep their sidewalk clean when it snows in winter and all in all, keep the home at 4626, which they bought in December of 1944, in pretty good shape.

"Protective" Agencies

But these are the things that fool you in a real democracy, these are the things that agencies like policemen, judges and especially the state supreme courts are hardened against and ignore. Their principal thought is to protect the American citizen from this type of family.

Thus it was on Feb. 9 of last year that Judge Guy M. Miller, who staunchly upholds democratic principles when sitting on the Wayne County Circuit bench, ruled that the McGhees must move out of their Seebaldt home of less than two months. No clean sidewalk, neatly clipped lawn or cleanliness of person could divert Judge Miller's focus on democracy. The McGhees, as he saw it, must go!

But the McGhees are a little stubborn about the ways of democracy and for some reason or another, refused to take the august judge's word as final. Instead, they called in the National Association for the Advancement of Colored People and began to ask questions. When the discussion was over, it had been decided to take the case to the Michigan Supreme Court. The McGhees and the NAACP had great faith in the Michigan Supreme Court . . .

Sons Join Army

Time passed and while the McGhees of Seebaldt waited for their state's highest judicial body to pass on their case, their two sons, Orsel Jr. and Reginald went to join the Army. Reginald, the older, left in June of 1945 when he was 18. Orsel finished high school in June of last year and joined the army air corps the same month. He was 18, too.

But just because the sons of a family join the armed forces of their country, it doesn't mean that the family is necessarily desirable. The policemen, judges and especially the supreme courts in a democracy are well aware of this.

And the Michigan Supreme Court demonstrated its awareness of such situations on Tuesday, Jan. 7 of this year. From the state capital of Lansing, the tribunal ruled that the McGhees are not entitled to live in the home they bought on Seebaldt. In a unanimous decision, as the state's highest jurists saw it, the McGhees must go!

"Law And Justice"

In arriving at its decision, the court reverted to an 1861 definition of "law and justice," which states, in effect, that restrictive covenants to exclude residents of a community because of race, creed or color are "private contracts" and therefore should be enforced under the laws that exist.

The court made no mention of a provision in the U. S. Constitution forbidding contracts that infringe on the civil rights of citizens. The Michigan Supreme Court is hardened to such trick provisions and aims principally to protect American citizens from them. After all, who, when the civil rights provision was written into the Constitution, would have dreamed that the day would come when a Negro family like the McGhees of Seebaldt would buy a home in an all-white community?

The McGhees are still a little baffled about the way democracy works. The local NAACP chapter is a bit taken aback, too. But both the McGhees and the chapter believe that if they just keep fighting, they'll find an agency that looks past complexions to lawns, sidewalks and houses that are well-kept in the fashion of good citizenry. Sat. 1-18-47

And Now, Finale . . .

They're taking the advice of a white citizen who wrote them from nearby Kalamazoo, Mich.:

"I am a white citizen and I say that you should take your case to the U. S. Supreme Court after receiving a decision that well could have been made in the slave-driving southern states from our state supreme court. The residential restriction law was passed in 1861 before slavery was abolished in 1865 by the 13th Amendment, therefore, the law is unconstitutional."

When they write to their sons in the Army (Orsel in Honolulu and Reginald at Mitchell Field, New York), the McGhees calm their worried queries about progress of the case by assuring them that things will be different in Washington when the nation's top tribunal reviews the case.

Mr. and Mrs. Orsel McGhee Sr., of 4626 Seebaldt aren't quite sure about this but they're determined to see how democracy works.

GANGS ROAMING CITY IN CARS; POLICE BALKED

Michigan Chronicle Detroit, Mich.

Attacks Associated With Attempts To Oust Negro Family

Sat. 4-5-47

FLINT — A reign of terrorism, closely associated with an attempt to oust a colored family from the South Park subdivision, has caused Negro residents here to appeal to the police department for protection.

At the same time an appeal has been accepted by the Flint branch of the National Association for the Advancement of Colored People to give legal aid to Mrs. Corsiney James, 2035 Seymour. White neighbors of Mrs. James are attempting to force her out of her recently bought home.

Beaten By Gangs

A number of attacks on Negroes have been made in recent weeks by a gang of white hoodlums, the most recent occurring last Saturday night.

The whites, riding in one or more cars, have run down from two to five Negro men and women in the vicinity of the Grand Trunk Station and in Elm Park.

The victims have been beaten with bottles, sticks, clubs and other weapons.

The latest victim was on his way home Saturday night when two automobiles stopped at Warner and Pingree, four white men got out. They asked him where he was going, called him vile names, and then slugged him with a bottle, leaving a severe gash on his head.

Fled In Automobiles

The whites, after leaving the victim, went to a nearby home of a colored family, but fled when the woman called her husband who was upstairs.

A large number of other attacks have been made by hoodlums who generally use two or more automobiles. Sat 4-5-47

The South Park Subdivision Association filed a suit in court charging Mrs. James was violating a restrictive covenant by occupying the premises on Seymore.

Case Pending

The suit petitions the Genesee County Circuit Court to enjoin Mrs. James from occupying the dwelling. The case is pending.

The records show that the South Park Subdivision was not plotted with intention of restricting Negroes from the entire subdivision. Mrs. James is the only colored person living in her block, but the subdivision is predominantly colored.

Robert R. Turpin, committee chairman, said the campaign has set a goal of $1,000, and will appeal to churches and civic organizations for contributions Easter Sunday.

Mrs. James bought the property and is without funds to retain legal defense.

Predominantly Colored

49 1947

Michigan

REYNOLDS MADE MANY FRIENDS, GIVEN FAVORS

Michigan Chronicle
Detroit, Michigan

By CHARLES WARTMAN

The Michigan State Supreme Court ruled against Collins Reynolds and his family in a restrictive covenant case last week on the basis of the law as they interpret it; but they did not and could not rule on the laws of human behavior and decency which have been operating since the Reynolds moved to 17927 St. Aubin more than three years ago. Sat. 4-26-47

The house once despised and hated by all of the whites in the area has become the headquarters for all of the children of the neighborhood, who come around daily to play with young Collins Reynolds III, who is now 9 years old.

Forced to Leave

Collins III, was just six years old when his father was forced to leave the home he had bought by the back way because of the large mob of neighbors who gathered in the streets to prevent his occupying the house.

Three years later the Reynolds have a very nice home, well appointed and well kept. According to Reynolds, who is a teacher at Garfield school and the holder of two degrees with substantial credit on his Ph. D., much of the improvement of his home has been possible because of the neighborly acts of those who live around him, who have loaned him ladders, lawn mowers, pipe, posts, and the thousands of things which people invariably borrow from their neighbors.

Very Neighborly

"I can say that the people here have been very neighborly," Reynolds said as he lounged comfortably Sunday afternoon in his living room. "All of the kids are crazy about Collins and our house has become their headquarters."

Asked whether the parents of the children objected to such goings on, Reynolds said, "They all know about it and come up often to bring overshoes, handkerchiefs, sweaters, and other things for their youngsters." Sat. 4-26-47

All Present

According to Reynolds, not one of the families have left the block since he moved in including one family which threatened to do so more than three years ago.

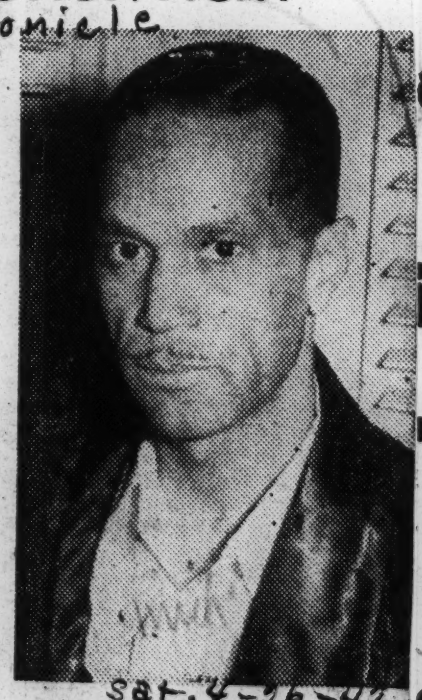
Reynolds disclosed further that more than 50 Negro families have moved into the general area since he came there. "We seem to be living in an island which the Seven Mile, Fenlon Improvement Association is determined to keep all white. There is no question in my mind that the association is footing all of the bills in the fight against us," he continued, "because two of the families whose names appear as plaintiffs against us are now good friends of ours." One family comes over ever so often to play billiards with Reynolds and his wife.

Commenting on his plight Reynolds said, "That I am at present one who is ordered out of his home because of racial restrictions, must not obscure the fact that we are all victims of this negation of democracy. But democracy must not suffer such a tragic defeat. The fight against restrictive covenants must be carried to the nation's highest court. I am convinced that the fight is one for human justice, and that we will win."

LOSE RESTRICTION FIGHT

Michigan Chronicle

Detroit, Mich.



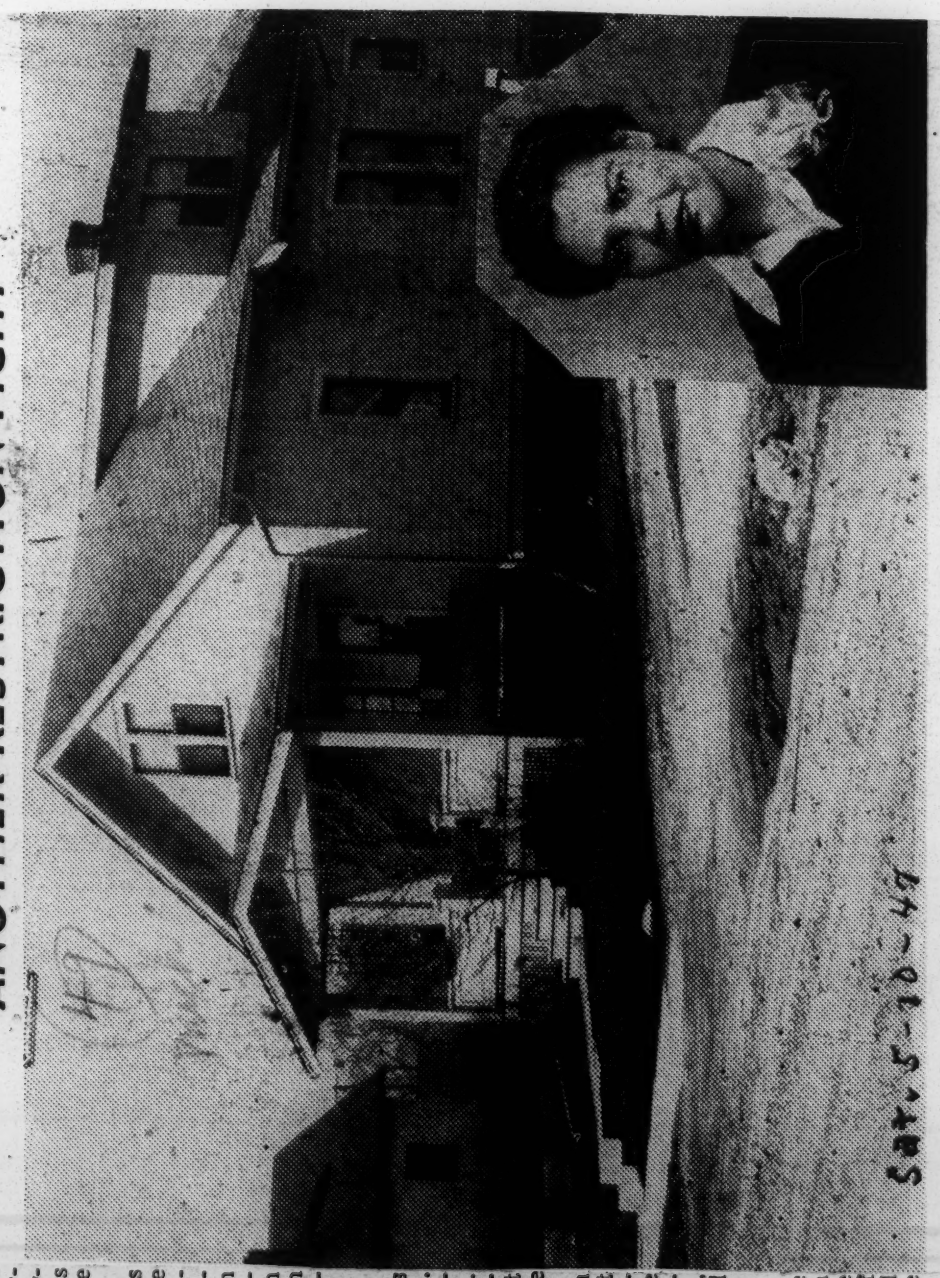
Sat. 4-26-47

Top (left and right): Mr. and Mrs. Collins J. Reynolds Jr., of 17927 St. Aubin, who with their son, Collins III, below, have been ordered by the Michigan State Supreme Court to vacate the home which they have occupied since 1943. The property is restricted against Negroes. They will appeal their case to the United States Supreme Court.

Woman Faces Ouster In Flint Covenant Case

Michigan Chronicle

ANOTHER RESTRICTION FIGHT



Miss James.

FLINT—Miss Corainey James is facing eviction from her newly purchased home at 2018 Seymour, because of a covenant which restricts the property to members of the white race. Detroit, Mich.

The action against Miss James was instituted by a group of white people living in the Seymour avenue area, who have formed an organization known as the South Park Association. The area is restricted against persons of African descent, although the subdivision is at present occupied predominantly by Negro citizens.

No Legal Basis

"There is no logical legal basis for restrictive covenants," Atty. Elisha Scott, one of the four attorneys defending Miss James, said. He argued that the real estate dealers failed to examine the abstract and, therefore, missed the restrictive clause hidden there.

Miss James told The Michigan Chronicle reporter last week that the white people around her appeared to be quite friendly. She said they converse with her concerning the weather, the flowers, the Flint transportation system and other subjects. Sat. 5-10-47

Trouble First Night

According to her, the only trouble she has had since moving in was on the first night when a few white youths dumped several cans of rubbish in her front yard and smeared some black tar on the porch steps.

Attorney Scott announced that the NAACP local branch, of which he is president, is calling on all citizens to rally to the defense of

The home of Mrs. Corainey James, inset, at 2018 Seymour, Flint, which white neighbors are attempting to oust her from on the strength of a restrictive covenant covering the area.

Sat. 5-10-47

by the Northwest Civic Association through the Wayne County Circuit Court and the Michigan Supreme Court and the cost has been a heavy drain in our treasury.

"The proper defense of this case before the Supreme Court in Washington means heavy additional expense. But if every home owner in this neighborhood gives the Association his loyal support by paying his dues of $5.00, we can properly finance this battle with the National Association for the Advancement of Colored People, which draws upon the whole United States and is our opponent in this case.

"If we lose this case, the negroes will be able to move in next door to you, whether in Detroit, in the State of Michigan, or in any other state, as they did to Sipes and there will be no legal way to stop them.

"So let's all pull together for the protection of our homes, and if everyone does his bit no one will be hurt and we will give them the fight of their lives."

ANTI-NEGRO OWNERS
APPEAL FOR FUNDS Aug. 7, 1947 August 7, 1947

Detroit, Aug 7th-- According to NAACP officials in this city the NORTHWEST CIVIC ASSOCIATION INC. which calls itself a "non-profit organization" has been forced to issue an urgent appeal for funds with which to carry on its anti-Negro property fight in the U. S. Supreme Court.

N.A.A.C.P. Press - New York Thurs 8-7-47

In a petulent appeal, one of the "Civic" association's appeals which was intercepted by alert NAACP members stated:

"The negroes' appeal in the case of Sipes vs. McGhee has now been accepted by the Supreme Court of the United States and will be heard at the October, 1947, term of that court.

"This case, which involves restrictions prohibiting negroes from occupying property in our neighborhood, has been successfully fought

Detroit Restrictive Covenant Case Moves To U. S. High Court

Chicago Defender - Chicago, Ill.
Sat. 4-26-47

By CHARLES J. WARTMAN

DETROIT — (ANP) — Swiftly moving events last week brought the Orsel McGhee restrictive covenant case closer to the United States Supreme Court.

During a conference here of NAACP officials and outstanding lawyers, action was planned to appeal the case to the U. S. Supreme Court before May 8, the time the Michigan Supreme Court's stay of proceedings expires. Thurgood Marshall, special NAACP counsel, proposed that the NAACP national office call a board meeting to decide the degree of aid it will give the local restrictive covenant fight.

"The entire nation is watching Detroit as a guide to the national pattern on race relations," he said.

The question of the legality of restrictive covenants now hinges upon the action of the NAACP national office and the final action of the nation's highest tribunal. It will culminate a long fight on the part of Detroiters to break the iron ring of racial property covenants now holding them in ghettoes.

"This means that all papers in this case must be filed with the United States Supreme Court prior to the deadline," commented Atty. Francis Dent. "Unless this is done, the restrictive covenant campaign of the NAACP has been in vain and the case will be lost.

"The terrific costs involved in this procedure are such that the Detroit NAACP branch must call immediately on all of its friends for the largest contribution they can possibly make if this case is to be carried on," he added.

Edward Swan, executive directo of the local NAACP branch, also emphasized the need for additional contributions to push the restrictive covenant fight. Others attending the conference beside Swan. Dent and Marshall, were Horace White, chairman of the NAACP legal redress committee and leader of the campaign to carry the restrictive covenant to the U. S. Supreme Court; Earl B. Dickerson, president of the National Bar Association; Miss Marion Perry, national legal assistant, and NAACP Lawyers Graves and Dent.

TO A MICHIGAN BIGOT

How About These Real Nice People, Property?

Defender Chicago, Ill.

White Aryans All, To Buy Property

Sat. 10-25-47

This letter is a reply to a woman owner of a Michigan tourist court who writes me that she will sell her place to "anybody except Jews or Negroes," writes Harry G. Green, Chicago broker in motor courts, hotels, lodges and camps. It is self-explanatory.

Owner of Cabins and Restaurants,
Holland, Mich.

Madam:

Without malice or prejudice.

I have your letter of Oct. 10th in which you tell me that you will sell your tourist business to anyone except Jews or Negroes. That is fine, since I have a half-breed Mexican who will buy your place at once; also a white man just released from the penitentiary after serving a long term for raping a little 9-year-old girl in Chicago.

He is not a Jew nor Negro, however, and may be satisfactory, since he has plenty of money with which to buy a place like yours. Naturally, being a nazi, he is responsible if you sell out to him and he them resumes his exalted practice of raping little girls. He prefers Michigan, he tells me, because if any rape he commits is followed by the death of his victim, they can't hang him, since Michigan has no capital punishment. It's a capital idea!

I also have Jewish and Negro buyers who are GIs and decorated for bravery—including a Congressional Medal of Honor man. They helped save your country and mine; my business and yours, but I will not send them to you on account of their religion or color.

I think it is outrageous that Jewish and Negro soldiers should even think of buying Motor Courts. Let 'em go back to the war they came from—with their wounds, decorations and all. Let me know soon, please, as I expect a non-Jew, non-Negro with lots of cash (an old time pickpocket) who wants me to get a tourist court for him in Michigan. He wishes to rent out the pickpocket concession, as he is too old for active duty.

Yours truly,
(Signed) Harry G. Green.

Fascism Lives In Minnesota Yet

Pittsburgh Courier
Pittsburgh, Pa. Sat. 8-2-47

ST. PAUL, Minn. — Sixty per cent of the white citizens of the State of Minnesota have declared themselves in favor of residential segregation, according to a report by the Interracial Commission recently presented to Governor Luther W. Youngdahl.

In the age groups between 21 and 29, however, only 5 per cent were opposed in contract to 64 per cent opposition in the age bracket over 60. Sat. 8-2-47

60% IN POLL FAVOR HOME SEGREGATION

The New York Times
49 — N.Y., N.Y.

Minnesota Group Says Younger Citizens Are Less Opposed to Negroes as Neighbors

Minn. 7-27-47

ST. PAUL, Minn., July 26—A report by the Interracial Commission presented to Gov. Luther W. Youngdahl today by the Rev. Francis J. Gilligan, the commission chairman, stated that 60 per cent of the white citizens of the state who responded to a poll of public opinion have declared themselves in favor of residential segregation.

The poll from which this information was drawn was considered as fairly representative of white Minnesotans of all ages, sexes, locations and economic groups. Besides the chairman, the commission has twelve members who represent all racial and religious groups in the state. The report is the third made on racial and religious problems and the second on Negroes. This one was concerned with housing.

Minn. 7/27/47

The commission reported:

"Since, in the State of Minnesota, the white group constitutes an overwhelming majority of the population, the members of that group can open or close the gates to any residential area. They are in control. Their actions are determined by their mental concepts. The first barrier, then, which the Negro encounters is the mind of the white man. All restrictive processes stem from it."

10 Per Cent Undecided

In answer to the question whether Negroes should be allowed to move into any vacancy that they could afford to occupy, 30 per cent of the white persons interviewed said "yes," but 60 per cent were flatly opposed. Ten per cent were undecided. By sex, women were 61 per cent opposed, and men, 58. By area, city people, town people and farm people were opposed, respectively, in the proportions of 64 per cent, 60 and 51.

White persons between the ages of 21-29 were in opposition to Negro occupancy of property in white neighborhoods, but less so than older groups. While 55 per cent of the young people were opposed, 64 per cent of white persons over 60 were opposed.

Another question—"How would you treat a Negro family that moves into your neighborhood?"

Thirty-seven per cent replied that they would treat the Negroes "as I do other neighbors," 11 per cent would try to move them out of the neighborhood, only 7 per cent would move out themselves, 26 per cent "would not care," 11 per cent said that it "depends," while 8 per cent were "undecided."

The report revealed that in this instance the farm people were less discriminating than the city people, since 47 per cent of the former, as against 31 per cent of the latter, would treat the Negroes as other neighbors. About one-fourth of all area groups "would not care."

Drop in Values Considered

The study stressed the attitudes of the top, average and lowest income groups, which would treat Negroes "as neighbors" in the proportions 31, 36 and 40 per cent. Indecision among the lowest income group, however, was highest, and stood at 31 per cent.

In finding out what was "inside the white mind," the commission concluded that the financial value of one's home after Negroes moved into an area was on the minds of 68 per cent of the persons approached, including 4 per cent who felt that Negroes would "ruin it (the property), make it worthless."

None of the town people who expressed an opinion on the matter lived near Negroes, but 11 per cent of the city and 3 per cent of the farm people did. By economic classes, top, average and lowest, those who had lived near Negroes varied, respectively, in the proportions 2, 4 and 13 per cent. Only 13 per cent of those who lived near them believed that Negroes "did not fit into the neighborhood," and 66 per cent said that they did not bother anybody, and 16 per cent "seemed to like them."

The tables were turned in these observations, somewhat, by the opinion of the top income group, all of whom found their Negro neighbors, if any, desirable, as against 70 and 63 per cent for the average and lowest income groups. Only 9 per cent of all groups had ever belonged to an organization or church having Negro members, and most of these live in the city.

The commission reported that there is no commercialized vice in St. Paul's Negro district. None was held at the time of this report for rape, and few for robbery, auto theft, larceny, and sex offenses. Of 4,401 persons held in St. Paul for prosecution, 247 were Negroes, 103 for drunkenness, and 29 for gambling.

Minn. 7/27/47

Situation in Minneapolis

The situation in Minneapolis was slightly different, the proportions of "colored" being higher there. But the word colored included groups other than Negroes, which in St. Paul were set down separately, as Indians and Mexicans. The number of whites arrested was 7,855 at the time of the study, as against 792 colored. All six known murders were charged to whites, as were sixty-one of the sixty-seven cases for gambling. The proportion of colored in commercialized vice was high, accounting for forty of the reported seventy-seven cases.

The commission asked for legislation against restrictive residential covenants because, it held, "residential segregation is morally wrong." In general, Negro housing was found to be "not as bad as that found in some of the large urban areas in other states," but the commission held that "one can brood over an injustice" to the point that it is raised entirely out of proportion "and then the abused person becomes so disturbed that he antagonizes those who try to work with him."

The commission concluded:

"To a considerable extent, if society is to reform, it must reform itself through the medium of the schools, public and private. Clearly, in the curriculum of the schools of Minnesota, there is need for more explicit and extensive training on this point."

49 1947 Mississippi

Outrage in Mississippi

Courier Pittsburgh Pa.

Having been invited to attend a meeting of the National Agriculture Commissioners in Biloxi, Miss., Haitian Minister of Agrculture Francois Georges arrived at the Buena Vista Hotel in that city last week, only to be refused admittance and have his reservation cancelled because of his color.

M. Georges says that his Government may make a formal protest to the U. S. State Department against this outrageous treatment, but whether it does or not, the enlightened citizens of this country should do so, and our Government should apologize for the insult. Sat. 11-22-47.

It is difficult to speak with restraint about this incident which is a disgrace to this country and the so-called democracy for which it stands. Sat. 11-22-47

Here is a high representative of a friendly nation, invited to attend the meeting of an important national body, and upon arrival he is brutally rebuffed and insulted by the very people who should have felt honored by his presence!

Of course there is nothing surprising in the action of the hotel management because the laws and customs of Mississippi are well known, but for this reason neither the organization that invited M. Georges nor the State Department should have subjected the Haitian to a situation of this kind.

Unfortunately the Government of the United States has never shown any concern or sense of responsibility in matters of this sort, as indicated by its indifference to the refusal of hotels and other places of public accommodation at Southern points of entry to accept the patronage of distinguished dark-skinned tourists and diplomats from other lands.

All of the efforts of the State Department to counteract Soviet attacks against American democracy will be unavailing so long as incidents of such an outrageous character can take place in this country and be passed over with callous indifference.

49 1947

New York

Court Grants Writ Barring Sale Of a Home in Queens to a Negro

The Times, New York, N. Y.

(49) N. Y.

The absence of any legal obstruction to covenants restricting real estate on racial grounds was cited in a decision yesterday by Supreme Court Justice Jacob H. Livingston. The court, on the basis of such a covenant, granted an injunction forbidding sale of a home at 112-03 177th Street, in Addisleigh Park, St. Albans, Queens, to a Negro. Fri. 2-14-47

At the same time Justice Livingston pointed out that he was concerned solely with the present validity of a particular covenant. He indicated that he was bound by the law, despite his personal agreement with Justice Frank Murphy of the United States Supreme Court that "distinctions based on color and ancestry are utterly inconsistent with our traditions and ideals."

The court's decision restrains Sophie Rubin from selling a six-room brick bungalow to Samuel Richardson, owner of a chain of stores in Washington, for $10,500. The injunction was sought by Mr. and Mrs. Harold F. Kemp of 112-59 177th Street, and Mr. and Mrs. Joseph H. Lutz of 112-20 177th Street. They were parties to an agreement formed in 1939, banning sale, rental or gift of the homes until 1975 except to "caucasians."

A contention that the agreement was invalid because it restricted transfer of the property was rejected by the court with the observation that sale was possible at any time to members of "the Caucasian race." Only a complete prohibition would have invalidated the agreement, it was held.

During trial of the action Justice Livingston accepted briefs from the American Jewish Congress, the New York Congress of Industrial Organizations, the Methodist Federation for Social Service, the Social Action Committee of the New York City Congregational Association, the City-wide Committee on Harlem, and the National Association for the Advancement of Colored People. He refused, however, to permit these "friends of the court" to present or examine witnesses.

Andrew D. Weinberger, counsel for Mr. Richardson, said an appeal would be taken. During the trial he had contended that covenants of the sort involved were unconstitutional, and violated public policy of the State and of the nation as expressed in the United Nations Charter.

Justice Livingston wrote, however, that: New York, N. Y.

"It seems clear that we do not have on our statute books any specific provision which outlaws racial restrictive covenants. In the circumstances the court does not feel that it should judicially legislate by reading into the statute something which the Legislature itself has failed to adopt." The Times

Mr. Richardson is the owner of a plot of unimproved ground at the rear of the property he was forbidden to purchase. At the trial evidence was presented that of 325 homes in Addisleigh Park, forty-eight are occupied by Negroes, including Lena Horne, the singer, and Dr. Alphonse Heningburg of New York University. Fri. 2-14-47;

Negro Veteran Wins Fight Against Eviction

Daily Worker, New York, N.Y. Mon. 3-3-47

By John Hudson Jones

A Negro family has won the right to live at 250 W. 16 St., an otherwise all-white house and neighborhood. After previously refusing payments from Negro veteran James Jackson, Wm. Cruickshank's Sons, 49 Wall St., accepted the $17 monthly rent from Mrs. Louise Jackson. A paid receipt was given her by Victor Lalli, secretary of the firm, in the presence of newspapermen and representatives of the United Negro and Allied Veterans, and the Chelsea Tenants and Consumers League.

William Vila, a white veteran living in the three room apartment of the cold water tenement, had heard of the plight of Jackson who was separated from his wife and six months old baby Yvonne. Mrs. Jackson was in Baltimore and Jackson, a UNAVA member was living and working in New York.

Vila has found an apartment in Queens, so he invited the Jacksons to move in the 16th Street place. They were there for a short time, until A. B. Sumner, on behalf of the landlord, came on Jan. 24, and demanded they vacate.

FEAR SAFETY

Several of the white neighbors began to pass insulting remarks. Several times their name plate was taken from the mailbox. Mrs. Jackson became fearful for herself and the baby's safety. Jackson worked during the day as a longshoreman in New Jersey.

He informed UNAVA of the situation, and a petition was promptly circulated in the house. Three-fourths of the tenants signed declaring they had no objection to the Negro family. Sumner still demanded the apartment, claiming that Vila had acted in bad faith by not notifying him of the exchange. The insults continued, and on Feb. 9, Walter Garland, UNAVA executive officer informed the police at the 10th Precinct of possible danger to the family. They should let something happen and then make a complaint, he was advised.

COMMUNITY ACTION

At the same time community groups began to take up the case. Some of them were the Ladies Auxiliary of the National Maritime Union; the American Labor Party; the Chelsea Tenants and Consumers League; the Civil Rights Congress; and the Communist Party. White housewives called on Mrs. Jackson every afternoon and accompanied her when she went shopping.

All this time Sumner refused to accept rent from the Jackson, but took it from Vila. He told the Daily Worker, in a telephone conversation, when informed of the threats to the Jacksons, "I think it's bad, but they've got to get out."

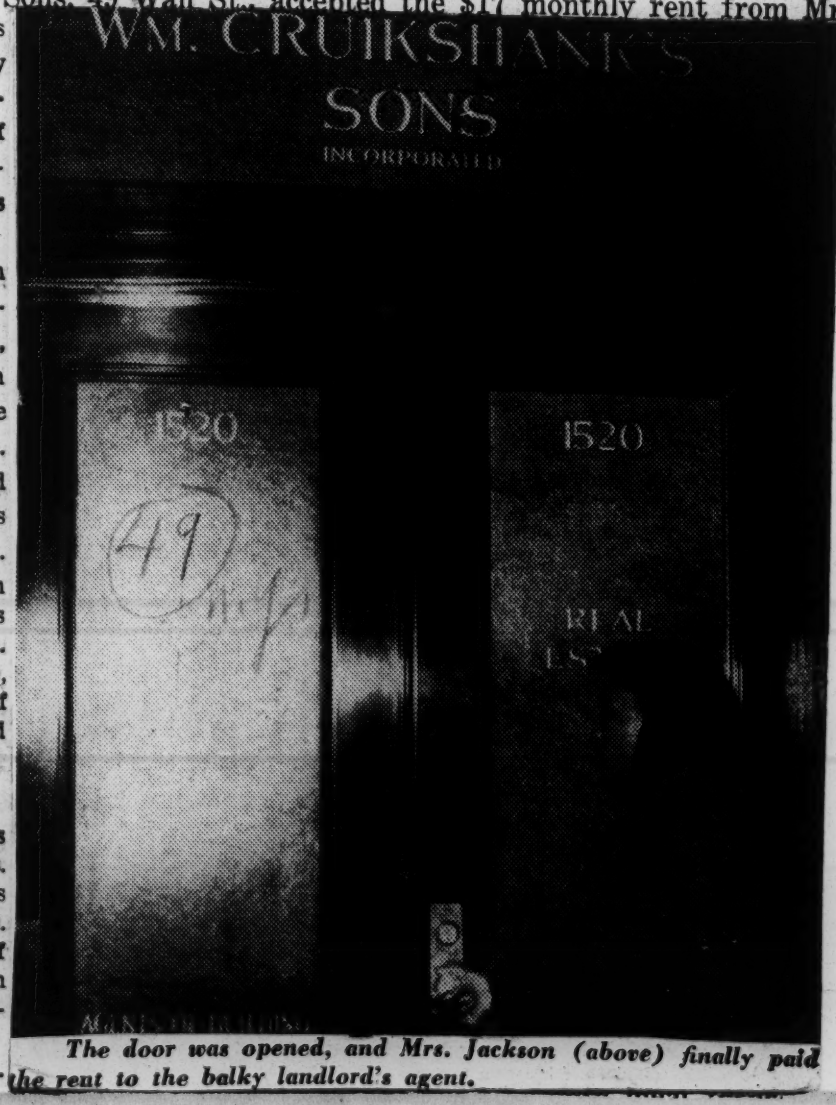
On Feb. 26, a delegation went to see Lalli att he Wall St. office Present were Mrs. Irene Mack of the Chelsea group; Theodore Landau, CRC; Rudolph Israel of UNAVA, Charles Ferguson Post, and Vila. After discussing the situation Lalli said he was not aware of its real nature and had only known about it for two weeks. He saw no particular problem, and said, that the firm "has no objections as long as they are good tenants and pay their rent."

VICTORY

It was agreed that Vila and Mrs. Jackson would come back with a letter acknowledging formal transfer of the apartment. This was done yesterday.

After giving Mrs. Jackson a receipt, Lalli, a tall good natured man shook hands with Mrs. Mack, Israel and Villa. He said "I hope everything is okay now."

Asked how she felt about the results, Mrs. Jackson said, "I certainly appreciate what everyone has done for us. All we want to do is be friendly and live peaceably."



The door was opened, and Mrs. Jackson (above) finally paid the rent to the balky landlord's agent.

Cops Ignore Threat to Negro Vet

Daily Worker, New York, N.Y.

EVICTION FACES ONLY NEGRO FAMILY IN TENEMENT

By John Hudson Jones

Negro veteran James Jackson, his wife Louise and their six-month-old baby Yvonne live in constant fear. They are the only Negro family in the cold water tenement at 250 W. 16 St. The William Cruikshank and Sons Realty Co. of 49 Wall St., is trying to evict them. Negro-hating neighbors are hurling insults and threats.

Jackson, who spent two and a half years in Europe with the First Army, is a UNAVA member, employed by a New Jersey construction company.

Mrs. Jackson, a short woman of

"We're expecting something to

happen all the time," Mrs. Jackson said, adding "I'm scared now to go to the store."

WHITE VET HELPED

In December, the Jacksons were lucky enough to secure the apartment from William Vila, a white vet friend. Vila had found a place in Jamaica. The arrangement was made through UNAVA and for the first time since he had been discharged in November, 1945, Jackson was able to live with his wife. She had been with relatives in Baltimore, and he was living in New York. Daily Worker

"The day we moved in," Mrs. Jackson sadly said, "they began calling us 'n----ers' and taking our name from the mailbox."

The apartment is at the end of a long dark first floor corridor. Mrs. Jackson declared that several days while Mr. Jackson was at work, someone stood outside the door and talked about "taking care of the n----ers." Tues 2-4-47

TOLD TO GET OUT

Shortly after moving there, the Jacksons were told they'd have to move out, and the agents did not permit sub-letting. A. B. Sumner, the agent, has refused the $17 per month rent from them but has accepted it from Vila. Contacted yesterday and informed of the threats against the Jacksons Sumner said:

"I think it's bad, but they've got to get out." New York Mirror

Asked what difference it made provided he got his rent, he declared, "That's neither here nor there. Vila pulled a dirty trick by not getting out permission to sublet, so we're taking our place. If they're not out in a few days we're taking legal action."

He didn't know anything about the threats, however.

Visiting with Mr. Jackson, is her sister-in-law, Mrs. Dorothy Hood and her daughter Sheila, 2.

After leaving, Garland and this reporter went to the 10th Precinct police station to inform them of the situation, and to ask for an investigation and protection.

RUNAROUND FROM COPS

Upon inquiring for Captain Herbert Golden, the desk sergeant informed Garland that the proper place to go was the detective bureau, on the second floor.

Up there, Detective Neil Hughes, said that the ". . . detectives don't have anything to do with stuff like that." He said "it's a matter for the uniformed men." It was his opinion that Jackson should ". . . wait until something happens and then report it." Daily Worker

Back downstairs, the desk sergeant said that ". . . anyway, the captain ain't in. He's working the night shift." He thought that Hughes' advice was good—Let something happen, then report it or make complaint.

Yesterday, UNAVA sent telegrams to Mayor O'Dwyer and Police Commissioner Wallander informing them of the situation and requesting protection for the Jacksons.

In the meantime a family is undergoing nerve-racking fear. The smallest noise makes them jump, Mrs. Jackson said. "I'm so tense I can't do my house work or attend to the baby properly. At night we lay in bed with our hearts in our mouths." Tues 2-11-47

Little Yvonne was gurgling and cooing on the bed yesterday, unable to share her parents' fears. It seemed such a commentary on our town that so tiny a baby would soon have no home, or still worse, might have to be told someday of a tragedy that happened to one of her parents in New York. New York Mirror

Expectant Mother Faces Eviction

Daily Worker

By John Hudson Jones

A young Negro expectant mother in Greenwich Village doesn't know whether her baby will have a home or not. And if the landlord of her 35 Morton St. apartment has her way, it won't.

Mrs. Clarice Graham D'Agostino, 22, has been threatened with eviction since August, 1945, when she and another young Negro woman, Jane Cooley, took the apartment. Ten days later, the 87-year-old landlady, Mrs. Isabel V. Cook, of 39 Morton Street, sent them a note asking that they leave. Her sight was bad, she said, and they deceived her — she thought they were white girls. At the time, Mrs. D'Agostino was single. Since then, she married, Miss Cooley moved, and the landlady died early this March.

Mrs. Cook's estate is still carrying on the legal war of nerves through lawyer Henry Zimmerman, 258 Broadway. N.Y. N.Y.

Mrs. D'Agostino, pretty brown-skinned former actress, and her husband Nicholas, 32, maintain they are threatened with eviction because she is a Negro.

Yesterday, in the First District Municipal Court, their attorney, Lester Solomon, 225 W. 34th St., introduced evidence to prove this. It was a reproduction of the pencil-scrawled note Mrs. Cook sent the Misses Graham and Cooley in August, 1945, and published in the Daily Worker Aug. 21, 1945.

Solomon told Judge Birdie Amsterdam the present landlords, Mrs. Cook's relatives, are fraudulently seeking the eviction, since they are still pushing the deceased woman's court action of 1945. Tues. 7-22-47

He also noted a doctor from Mayor O'Dwyer's office examined Mrs. D'Agostino on Thursday and declared she would suffer a miscarriage if she had to go through the rigors of an eviction.

Judge Amsterdam gave Zimmerman until Wednesday to answer Solomon's motion asking that the case be brought to trial. The landlord is simply seeking a removal of a stay granted the D'Agostinos on July 3.

Yesterday Mrs. D'Agostino was pale and nervous when this reporter visited her. The eviction was scheduled for yesterday and she hadn't heard of Judge Amsterdam's ruling. Tues. 7-22-47

"I'm sick and tired of the whole business," she said. "I wish we could find another place, but since we can't, we're going to fight for our rights as tenants."

"It's the uncertainty and anxiety that's getting me. I don't know one day from the next whether a city marshal will come and throw the things in the street. And where would I go?"

Tues. 7-22-47

MRS. D'AGOSTINO

Faces Eviction

Woman Who First Signed Covenant Prohibited From Selling Home in N.Y.

Afro-American Baltimore, Md. Sat. 2-22-47

Supreme Court Justice Rules Against Sale but Holds Practice Inconsistent With Ideals

(See Stewart Story, Page 5)

NEW YORK — Declaring that he personally opposed restrictive covenants, Supreme Court Justice Jacob H. Livingston on Feb. 13 said that he was forced to restrict the sale of a house in Queens to a colored person.

His ruling was handed down in the injunction suit restraining Mrs. Sophie Rubin fom selling a six-room house in Addisleigh Park to Samuel Richardson, a merchant.

covenant, Justice Livingston said that he agreed personally with the following statement of U.S. Supreme Court Justice Frank Murphy:

"Distinctions based on color and ancestry are utterly inconsistent with our traditions and ideals."

To the argument that the covenant was invalid because it restricted transfer of the property to whites only, Mr. Livingston said that the agreement would be invalid only if the prohibition was complete.

Nothing on Statute Books

Advised by Andrew D. Weinberger, counsel for Mr. Richardson, that such covenants were unconstitutional and violated the public policy of the State and country, as well as the United Nations Charter, Mr. Livingston declared in his opinion:

"It seems clear that we do not have on our statute books any specific provision which outlaws racial restrictive covenant.

"In the circumstances, the court does not feel that it should judicially legislate by reading into the statute something which the Legislature itself has failed to adopt."

Appeal Planned

Later, Mr. Weinberger, an attorney for the NAACP, revealed that the case would be appealed to a higher court. Sat. 2-22-47

During the hearing, it was pointed out that of the 325 homes in Addisleigh Park, 48 are occupied by persons, not of the "Caucasian" race.

Already in Same Block

Among them, according to Charles A. Collie Jr., executive secretary of the City-Wide Citizens' Committee on Harlem, who lives there, are:

Dr. Alphonse Heninburg, secretary to the City Welfare Department; Lena Horne, singer and actress; Count Basie and Cootie Williams, band leaders, and Dr. John A. Singelton, member of the Mayor's Committee on Unity.

Moreover, it was agued, two families already occupy homes in the same block on which the plaintiffs live, and for that reason the covenant is no longer valid.

City-Wide Interest

At present in Massachusetts General Hospital undergoing an operation, Mr. Richardson, who lives with his wife at 402 W. 148th St., has a daughter who is a student at Virginia State College and a niece attending New York University.

Special briefs in the case were filed by the American Jewish Congress, the NAACP, the New York CIO, the Methodist Federation for Social Service, the Social Action Committee of the New York City Congregational Association and the City-Wide Committee on Harlem.

Met's Jim Crow Is Again Upheld

Chicago Defender

Sat.

NEW YORK — For the second time in four months, Supreme Court Justice Felix C. Benvenga has upheld Metropolitan Life Insurance Company's Jim Crow policy in its Stuyvesant Town housing project. 10-18-47

The decision handed down last week will be appealed to the Appellate Division as soon as possible, according to Shad Polier, vice president of the American Jewish Congress.

The case is being fought by Polier as a taxpayer with the aid of the AJC, the National Association for the Advancement of Colored People, and the American Civil Liberties Union in behalf of three Negro war veterans whom Metropolitan Life rejected as tenants under its admitted no-Negro policy.

Benvenga's decision dismissed Polier's suit "on the merits" and said the "Constitutional question here present was resolved in favor of the defendants."

In denying a temporary injunction against Metropolitan last July, Benvenga said:

"It may well be that, from a sociological point of view, a policy of exclusion and discrimination on account of race, creed, color or religion is not only undesirable, but unwise. But the wisdom of the policy is not for the courts. That is a matter for the Legislature."

'Investment' in Jimcrow

Daily Worker, Atlanta, Ga.

IT was not a big time speech that Frederick H. Ecker, president of the Metropolitan Life Insurance Co., made the other day when the "100 Year Association" gave him a medal. But it helped to explain what is really behind all the fuss at the United Nations and the strife over the Marshall-Truman Doctrine. Mr. Ecker's corporation insists on maintaining Jimcrow discrimination in its housing development. Sun. 11-9-47

Jimcrow, Ecker said, is not a social question at all, but a matter of a successful business investment.

A successful business investment! Keep 13,000,000 Americans in a state of oppression, deny them decent places to live, bar them from jobs, rob them of their dignity as humans, strip them of their equality as Americans—all to make business investments safe and profitable. Daily Worker, New York N.Y.

In Europe, Asia, Africa, Latin America, this, too, is the philosophy of Mr. Ecker and his pals of the financial world.

Get a government that will protect the monopolists' profitable investments, that will keep the workers shackled with Taft-Hartley laws, that will at all times place Wall Street "free enterprise" above human dignity, and the national welfare!

Nearly 100 years ago the slave-owners also battled for the right to keep investments safe, their investments in billions of dollars of human flesh.

Was that, too, merely a matter of hard-headed business, Mr. Ecker? Were the slave-owners right when they defended their "investment"?

THE METROPOLITAN STORY

Defender, Chicago, Ill.

One of the most frustrating aspects of our fight against the racist cancer in American society is the fact that some of the greatest enterprises in the nation continue to operate on the theory that it is "good business" to practice racial discrimination.

Shocking proof of this was given last week by Frederick H. Ecker, chairman of the board of the Metropolitan Life Insurance Company. Mr. Ecker publicly defended his company's exclusion of Negroes from the vast Stuyvesant Town housing project in New York on these grounds: "It isn't a social question with us at all, but a matter of business and economics. It is a matter of a trustee making a successful investment of funds entrusted to him."

This is an important pronouncement which cannot be ignored. Metropolitan Life, with more than six billion dollars in assets, is the biggest business enterprise in the United States. It is claimed that only six states in the Union have "a total assessed valuation of property greater than the assets of Metropolitan Life." Mr. Ecker presides over an institution which rivals in financial power many independent nations in the world today. Sat. 11-15-47

The nickels and dimes of black America helped to build this modern colossus. Yet this giant which we helped nurture speaks to us today in the language of Jim Crow. Despite its enormous wealth, the Metropolitan Life sought and obtained liberal subsidies from the city of New York in order to build Stuyvesant Town for white only. These subsidies came out of the pockets of tax-payers, white and colored alike. In true Southern style, Metropolitan built a "colored project" in Harlem to free its hand. Sat. 11-15-47

The Metropolitan case was duly noted by the President's Committee on Civil Rights. The committee report stated: ". . . the city made great financial concessions to a private corporation, the Metropolitan Life Insurance Company, to induce construction of a large housing project, which was to be subject to a variety of restrictions designed to make it serve community housing needs. But, in the absence of any direct requirement of equitable distribution of the benefits of the project the Company barred Negroes from occupancy in Stuyvesant Town. Yet New York is a city in which mixed public housing projects have been maintained for many years."

The facts above illustrate the magnitude of the challenge which faces those who would free America of racial discrimination. We believe Mr. Ecker is paying tribute to false gods and compromising our democratic principles which are already under fire by those who love neither free enterprise nor civil liberty. We believe with Eric Johnston, former president of the U. S. Chamber of Commerec, that ". . . intolerance is destructive; prejudice produces no wealth; discrimination is a fool's economy."

Mayor O'Dwyer Yields to Prejudice Appeal

Afro-American, Baltimore, Md. 11-29-47

NEW YORK — Mayor William O'Dwyer has vetoed plans for a low-cost housing project in the exclusive Jackson Heights residential area of Queens. Pressure was brought on the Mayor by residents of the neighborhood. Sat.

They injected a racial angle in the controversy by pointing out that colored veterans would be among those eligible for accommodation in the newly proposed houses. At the present time only whites live in the section.

BAN ON HOUSE SALE TO NEGRO IS UPHELD

Times, New York, N.Y.

Without an opinion, the Appellate Division, Second Department, upheld, unanimously yesterday a restrictive covenant that bars the sale of property to a Negro.

The question was brought before the tribunal on an appeal from a decision by Supreme Court Justice Jacob H. Livingston, who granted to residents in St. Albans, Queens, a permanent injunction restraining a neighbor, Mrs. Sophie Rubin of 112-03 177th Street, from selling her house to Samuel Richardson, operator of a super-market in Harlem.

In his ruling, Justice Livingston noted that "we do not have on our statute books any specific provision which outlaws racial restrictive covenants, and this court does not feel that it should judicially legislate by reading into the statutes something which the Legislature itself failed to adopt."

The sale was opposed on the ground that in 1939 Mrs. Rubin was a party to a covenant, with twenty-two other families, that prohibited the sale of their houses to a member of the Negro race.

The action on appeal was supported, as friends of the court, by the American Jewish Committee, the New York State Industrial Union Council, CIO; the Greater New York Industrial Union Council, the New York City Congregational Church Association, Inc., the Society of Congregational Christian Women of the State of New York, and the New York City Chapter of the National Lawyers Guild. Tue. 12-23-47

49 1947

Green Light to Bigots

Ned. 7-30-47

JIMCROW got a help this week from New York Supreme Court Justice Felix C. Benvenga,

In a decision of national importance, Justice Benvenga upheld the Metropolitan Life Insurance Company's poicy of excluding Negroes from its housing projects.

The ruling sang a rhapsody to the sacred cow of private property, declaring that Metropolitan Life could "exercise the usual powers and functions of a privately-owned and controlled apartment house," and that therefore it could "select its tenants upon any basis which in its judgment is most likely to insure the success of the project and the success of its investment."

Justice Benvenga's ruling will be a green light for every bigot in the country.

But that is not all: something else is indicated.

Though there is hardly a town in the Deep South in which a Metropolitan agent is not busily canvassing the Negro ghettoes for customers, there is also hardly an office of Metropolitan Life in which a Negro is even considered for any other kind of employment than slinging mops and brooms. Daily Worker. N.Y. N.Y.

Negroes and many other alert Americans know this. What they perhaps do not know is that the policy-makers of Metropolitan Life Insurance Co., the world's richest financial institution, are also the policy-makers of the Republican Party, the policy-makers of the American bipartisan governing coalition, the real policy-makers of the Hartley-Taft anti-labor measure, the Truman doctrine, and the Marshall Plan.

It is all of a piece, this policy of buttressing Jimcrow and pillorying labor, this policy of oppressing a people inside the country and inciting war against peoples on the outside.

Judge Rules Stuyvesant Project Bias Is O. K.

Daily World - Atlanta, Ga. Sun 8-3-47

NEW YORK —(NNPA)— Although tax exempt and enjoying other public privileges the Stuyvesant Town housing project, under the state's slum development law has the same right to choose its tenants as any private owner, Supreme Court Justice Felix C. Benvenga ruled last Monday in denying a motion to compel the development to rent apartments to colored people.

Charles Abrams, counsel for three colored war veterans who sought the anti-discrimination injunction said the decison would be appealed all the way to the United Supreme Court. if necessary. Sun 8-3-47

As a sidelight to the litigation, it was disclosed last Monday that the Metropolitan Life Insurance company, builders of Stuyvesant Town had opened another of its projects Riverton Houses in Harlem, to mixed-race tenancy July 28.

The Stuyvesant project was built under a contract with the city entered into in June, 1943. A year later the City Council enacted the Sharkey law barring tax exemption where racial discrimination was practiced. Riverton, in a colored neghborhood, comes under provisions of this law.

MANY APPLICANTS

Clifford L. Alexander, Riverton's resident manager, said there were an undetermined number of white persons among the 20,000 who applied for the 1,232 apartments. He said he could not forecast how many whites would be accepted. Only 202 apartments are finished so far.

Justice Benvenga held that though the purpose in extending governmental aid to the $90,000,000 Stuyvescant devepolment of 8,750 apartments on the lower East Side was a public purpose, "the project itself is not now and never was a public project. Sun-8-3-47

"It may well be," he said, "that from a sociological point of view, a policy of exclusion and discrimination on account of race, color, creed or religion is not only undesirable, but unwise. But the wisdom of the policy is not for the courts. That was and is a matter for the legislation.

"The courts cannot usurp the functions of the Legislature by reading into this development law a provision which on a number of occassions, the Legislature refused to enact in to that statute."

Housing accommodation "is not a recognized civil right," he asserted adding that to refuse such accommodation on the ground of race color, creed or religion is neither a violation of state or Federal Constitutions nor a violation of any statutory provision applicable to Stuyvesant Town. Sun 8-3-47

CAN SELECT TENANTS

could selce oofOtahttniitb oo(r nee

He ruled that the defendants could select their tenants on any basis which is "most likely to insure the success of the project and the safety of the investment."

Mr. Abrams said last Monday that Stuyvesant Town was given the power of eminent domain to acquire its site that its construction closed eighteen blocks of city streets and that it will receive $50,000,000 in tax in tax exemption over a twenty-year period.

"All the people of the city have contributed to this subsidy," he said.

The three plaintiffs, are Joseph Dorsey 9 West 108th Street, Monroe Dowling, 270 Convent Avenue, and Calvin S. Harper, 1837 Paulding Avenue, the Bronx.

The Amsterdam Jewish Congress criticized Justice Benbenga's ruling declaring that it was "completely unrealistic to pretend that there is no difference between the owner of a ten-family tenant and the world's largest private corporation" operating a housing project with a population greater than that of Cheyenne, Wyoming; Stanford, Connecticut, and Ithaca, New York

REALTY MEN FIGHT TENANT BIAS BAN

N.Y. Times Sun 6-29-47

State Leaders Say City's Law Against Discrimination Has Balked Huge Investments

By LEE E. COOPER

Special to THE NEW YORK TIMES.

SARANAC INN, N. Y., June 28 —New York City's law, hitting discrimination against tenants has closed the door on scores of big, moderate-rent housing projects involving "many millions of dollars," realty leaders and mortgage executives revealed today.

At the closing business sessions of the forty-third annual convention of the New York State Association of Real Estate Boards, officials of the association reported that the statute had "frightened off" vast potential institutional investments under the limited-dividend and urban redevelopment laws.

As a result virtually no new projects of these types were in prospect in the city, despite the unprecedented shortage of apartments for the low-income family or the "white-collar" class, and little progress was in sight for slum clearance by private enterprise, the realty men said.

On the theory that large investors in limited-rental housing should have the right to choose the type of tenants to occupy their houses and should not be under constant fear that they might lose tax benefits perhaps through some technical violation of the municipal regulations, the association adopted a resolution calling for repeal of this law. Sun 6-29-47

Law's Provisions Cited

The municipal statute has been in force for about two years, but its effect was not felt until wartime restrictions were lifted to permit housing operations, the realty men said.

The law stipulates that tax-exemption and condemnation benefits shall be denied to any project where tenancy is denied because of race, religion or other similar reason.

Supporting the resolution, Matthew G. Ely, president of the Real Estate Board of New York, reported on a recent conference he and other realty executives had held with Herman T. Stichman, State Housing commissioner. In an effort to revive private housing activity in the city, Mr. Stichman had said that he had been in touch with many large institutional investors and had become convinced that they would not proceed with moderate-rent projects so long as the tenancy discrimination law was on the books, it was declared.

Harry P. Ruppert, of Rochester, chairman of the Resolutions Committee, explained to this reporter later that he had encountered the same resistance on the part of institutions and investors in his area, and that several comparatively large operations had been stymied by the mere fear that the New York City statute might spread.

Spread to Other Cities Opposed

They also voted, in effect, to oppose any efforts to extend such restrictions to other cities or to make them state-wide in application.

The resolution did not specifically mention the New York City law, but the realty officials reported that they had it in mind and expressed concern over reports that efforts were underway to extend the same legislation to other parts of the state.

They adopted the resolution by a heavy majority in spite of a warning from one delegate that they were leaving themselves open to charges of tenant discrimination from public-housing advocates.

Text of the Resolution

The resolution read:

"The enactment of local laws preventing those who might promote large developments of housing in the lower rental brackets from exercising proper discrimination in the selection of their tenants, to protect their investments, is deterring their activities in this field.

"It is our carefully considered opinion that only through the encouragement of private enterprise and the cooperation of the major lending institutions can these problems be met; and that these laws and restrictions which now deter rather than encourage private enterprise should be immediately repealed and a realistic attitude developed.

"Legislation which discourages home ownership as a goal is destructive of good citizenship."

In another development of the day, and after lively discussion, the convention rejected a resolution to commend the state for its veterans' emergency housing operations.

Many of the delegates were highly critical of these huts and barracks and of the selection of sites.

Charles Buermann of Brooklyn said some of the temporary projects in his borough were placed

of luxuries and re- ing $50 or less weekly, to whom using accommoda- proper homes could not be sup- nd their ability to plied by private enterprise.

Mr. Dayton replied that the association was firmly opposed to all public housing, and that those with insufficient incomes to pay more liberal atti- economic rents were "cases for welfare action" and not for government housing activity.

"Liberal" Plea Is Offset

resolution was in- with all manner of lu- e member who sug- "cases for housing be adopted en. He stated there for permanent public housing, and their inherent right to be provided were "millions of families," mak-

"Conditions have been further aggravated," the resolution added, "by the ill-advised but well-intentioned by one member of this shelter in Queens was "not fit to live in."

The association also went on tioned activities of social and civic record against any further exten- organizations which have led low- sion of Federal and state programs income groups to believe that it is for permanent public housing, and their inherent right to be provided

"cases for ... and not for government housing activity.

"Conditions have been further aggravated," the resolution added, "by the ill-advised but well-intentioned by one member who suggested that "a more liberal attitude" on public housing be adopted by the realty men. He stated there were "millions of families," mak-

gling efforts" of construction and finements in housing called the projects "disgraceful." Walter S. Dayton of Bayside, president of the state realty organization, agreed with Mr. Buermann and expressed the opinion that some of this shelter in Queens was "not fit to live in."

The association also went on record against any further extension of Federal and state programs for permanent public housing, and their inherent right to be provided were "millions of families," mak-

P. M. - New York - Wed. 7/30/47

Lynch Law in Stuyvesant Town

7/31/47

Joseph Dorsey, Monroe Dowling and Calvin Harper were not seized in some backward community of the deep South by a mob of ignorant and lawless men to be hung from a tree in a blind moment of race hatred. In the case they brought against Stuyvesant Town and the Metropolitan Life Insurance Co., they were up against respectable and educated elements of a progressive and cosmopolitan community, in a court presided over by a judge who likes to consider himself a liberal, and has often made speeches against discrimination. But what they were told translates itself into the same lynch country language.

The Stuyvesant Town housing project is to enjoy local tax exemption for 25 years. This tax exemption will cost the City of New York $2,000,000 a year—$50,000,000. Negroes, as taxpayers, will contribute their share of that subsidy to Stuyvesant Town. But they will have no right to live in the housing project they will help to support. This, in its barest terms, is the meaning of the decision by Supreme Court Justice Felix Benvenga in the case brought against the Metropolitan Life Insurance Co., owner of Stuyvesant Town, by three Negro war veterans, "suing on behalf of themselves and all others similarly situated." The decision will be appealed, but in what promises to become a famous case, Jim Crowism has won the first round.

The Benvenga decision will find many to applaud it. Only a few weeks ago the New York State Assn. of Real Estate Boards passed a resolution on the subject, in which discrimination was paraded as concern for low-cost housing. The Association said: "The enactment of local laws preventing those who might promote large developments of housing in the lower brackets from exercising proper discrimination in the selection of their tenants, to protect their investments, is deterring their activities in this field." Thus race prejudice becomes business prudence, and opposition to racism an obstacle to social progress!

The Metropolitan Life Insurance Co. has little real excuse to offer for its experiment in segregation. At a time when it is earning only about 3 per cent a year on its investments, at a time when first mortgages on tax-exempt housing projects can be had at 3½ per cent, the 6 per cent to which it is restricted on the Stuyvesant Town project is a luxury, not a profit limitation. The gilt-edged investment made possible by New York City's tax bounty is so much better than anything Metropolitan could find at this time that it should voluntarily have obeyed the City anti-discrimination ordinance, even though this was passed after the Stuyvesant Town project was launched. Ten Federal housing projects in this city since 1935 have proven mixed occupancy humanly workable and financially successful.

There is only one reasonable explanation for Metropolitan's insistence on a Jim Crowism that may alienate many of its policy-holders. After five years, if it so chooses and business conditions make such a course profitable, Metropolitan may voluntarily give up tax exemption, repay back taxes and operate Stuyvesant Town as a high-priced de luxe housing project for the upper classes with no 6 per cent limitation. In that case, it may indeed have succeeded in obtaining for itself a bonanza of an investment under cover of a slum-clearance project.

Justice Benvenga's decision was as unnecessary from a legal, as Metropolitan's was from a business, point of view. Private landlords may discriminate as they please in the present state of the law, but is Metropolitan a private landlord? In building Stuyvesant Town, it enjoyed the right of eminent domain. it was allowed to take over public streets, it was granted tax exemption. To say, as Justice Benvenga did, that Stuyvesant Town was a public project as slum clearance but can operate as a private landlord once built, is to give Metropolitan Life the advantages of public subsidy and the privilege of private discrimination.

Justice Benvenga, in his decision, lays great stress on two facts. One is that the State constitutional convention and the State Legislature refused to write anti-discrimination clauses into public housing; the other is that the City's own anti-discrimination ordinance was passed after the inception of the Stuyvesant Town project. "It may well be that, from a sociological point of view," Justice Benvenga says, "a policy of exclusion and discrimination . . . is not only undesirable, but unwise. But the wisdom of the policy is not for the courts. That was and is a matter for the legislature." But this is disingenuous.

In this case, the courts are not asked to make legislative policy, but to apply basic constitutional safeguards. Neither the State nor the City government could authorize racial discrimination in public housing without violating the Constitution. The question is whether a housing project made possible by public funds and a grant of sovereign power does not share the same public responsibility.

—I. F. STONE

Housing Bias Trial Postponed

P. M. 49
New York, N.Y.
Thurs 9-11-47

The second of two suits aimed at smashing the Jim Crow renting policy of the Metropolitan Life Insurance Co. in its Stuyvesant Town development was ordered postponed yesterday until next Wednesday.

Supreme Court Justice Bernard Botein ordered the matter adjourned and disqualified himself, explaining he was a former law partner of Charles Abrams, attorney for the plaintiff. On Wednesday the case will come before Justice Ferdinand Pecora.

Yesterday's motion was brought by Shad Polier, vice president of the American Jewish Congress. Polier is suing as a taxpayer. Defendants include Mayor O'Dwyer, various members of the Board of Estimate, Stuyvesant Town and the Metropolitan Life Insurance Co. The suit asks cancellation of Stuyvesant Town's 25-year tax exemption—estimated to total about $50,000,000—because of Metropolitan's allegedly expressed refusal to rent to Negroes.

An earlier action, brought by three Negro war veterans, sought to compel the housing development to consider applicants without regard to their race Supreme Court Justice Felix C. Benvenga decided that motion on June 29 in favor of the Metropolitan.

Polier's brief refers to a letter of June 27, 1946, allegedly signed by George Gove, vice-president of Stuyvesant Town, admitting that although Negroes were being interviewed, no change in the Jim Crow policy was being contemplated.

Thurs. 9-11-47

The brief claims that a defense of the policy on the ground that Negroes and whites cannot live together is "arbitrary, unreasonable and contrary to law and fact."

Civil Rights Defender Body Aids In Chicago, Ill. Covenant Case

Sat. 3-15-47

NEW YORK — A test case of racial restrictive covenants here was aided last week by the American Civil Liberties union in filing a brief supporting Mrs. Sopu... Rubin, a property-owner who has been prevented from selling her home in Queens to Samuel Richardson, a Negro.

The case goes to the appellate division of the N. Y. Supreme court. Judge Jacob H. Livingston of Queens County Supreme court held valid a contract entered into by Mrs. Rubin and 17 other property owners agreeing in 1939 not to sell to Negroes. Court action to prevent the sale was brought by two of the other signers.

In Los Angeles, the South Cali... ing William T. Andrews, ... ked by the American Civil ... union and other organi... ornia Branch of the Union is aid... semblyman ... ing Mrs. Isabel Crocker, three-... It is backed by ... quarters American Indian, whose Liberties unio... neighbors have protested her con... tinued residence as a "non-cauca... sian." Superior Judge Reuben Schmidt held February 7 that deeds restricting residence to cau... casians apply to American Indians. The Crockers have lived in their Hollywood home for more than two years.

A move to outlaw racial restric... tive housing covenants has been made in the N. Y. legislature through a bill introduced by As...

NEW YORK

P. M. New York Dues 7-29-47

Stuyvesant Town Gets OK on Jim Crow Rentals

By Barnett Bildersee

Negro apartment-hunters might as well detour, for the time being, around the area from E. 14th St. to E. 20th St. between First Ave. and Avenue C.

That's Stuyvesant Town—the housing project where the Metropolitan Life Insurance Co. is building 8755 glistening new apartments and it's not for Negroes.

Abrams

Supreme Court Justice Felix C. Benvenga confirmed yesterday the Metropolitan Life's right to make Stuyvesant Town a Jim Crow development.

Stuyvesant Town is being built under the Urban Redevelopment Law. To make it possible, Metropolitan Life had the right to assemble property under eminent domain, close city streets and take tax exemption for 25 years on the improvements.

Nevertheless, Benvenga said Metropolitan Life, could "exercise the usual powers and functions of a privately-owned and controlled apartment house" and that it could "select its tenants upon any basis which in its judgment is most likely to insure the success of the project and the success of its investment."

Despite the "public purpose"—housing—Benvenga said that "the project itself is not now and never was a public project" and that "housing is not a recognized civil right." No provision of the U. S. or State constitution, nor any statutory provision is violated, he said, by refusing "such accommodations on the ground of race, color, creed or religion."

At the same time that Metropolitan was winning at least a temporary victory in Stuyvesant Town, the first seven tenants were Life Project, Riverton. They are moving into another Metropolitan occupying the building at 2225 Fifth Ave., first of seven 13-story buildings. (*Pictures on Page* 10.)

This is a Harlem project. All seven families were Negro.

Benvenga's opinion was handed down in dismissing the application of three Negro veterans for a temporary injunction to enjoin Stuyvesant Town from drawing a color line in selecting its tenants.

Charles Abrams, attorney, intends to appeal the decision. The American Jewish Congress sharply criticized Benvenga's decision.

HOUSING BIAS ASSAILED

Times—New York, N.Y.

3 Groups Urge Move to Rescind Stuyvesant Town Contract

Fri 8-8-47

Three organizations urged yesterday that James J. Lyons, Borough President of the Bronx, institute proceedings in the Board of Estimate to rescind New York City's contract with the Metropolitan Life Insurance Company because of the company's policy of barring Negroes from its Stuyvesant Town project.

The groups are the American Jewish Congress, the National Association for the Advancement of Colored People and the American Civil Liberties Union. They contended in a letter to Mr. Lyons that when the contract was authorized by the Board of Estimate in June, 1943, the Borough President qualified his vote in favor of it saying:

Fri 8-8-47

"Our Constitution provides that there will be no discrimination, and if I thought there was going to be I would not vote for it (approval of the contract) because I yield to no man in my belief in our Constitution and what it stands for."

The letter referred to an admission by the company in a court action that Negroes would not be admitted to the new housing project.

Stuyvesant Town Is Bonanza to Met Life

P. M.—New York, N.Y.

Wed 7-30-47

Metropolitan Life Insurance Company, defending its "right" to exclude Negroes from its Stuyvesant Town housing project, has emphasized that its profits on the project are limited by law to a mere six per cent—the implication being that Met Life is building Stuyvesant Town more or less out of the goodness of its heart, and that therefore it should not be challenged for insisting on any trifling matter like letting Jim Crow pick its tenants.

Actually, the six per cent maximum return which Metropolitan gets on its investment in Stuyvesant Town is a bonanza—not a penalty. It has few, if any, investments which yield such a handsome income.

In fact, it reported to the State Insurance Commission in 1946 that its income from all assets averaged exactly three per cent. The rate had dwindled steadily from 3.5 per cent in 1942.

Yet, under the Urban Redevelopment Law which sets the maximum return, Metropolitan Life was able to close off 18 city streets to assemble property under eminent domain and to escape taxes on its improvements for 25 years in return for building the huge East Side housing development.

It was under this law that Supreme Court Justice Felix C. Benvenga Monday dismissed the petitions of three Negro veterans to enjoin Stuyvesant Town from drawing a color line in choosing its tenants. (*See editorial on page 2.*)

Projects such as Stuyvesant Town, with possibilities of earning as high as six per cent, are a windfall for insurance companies. Because outlets for investment have dried up in recent years, their holdings have been put increasingly in low-revenue bonds.

The average earning of all insurance companies on all their assets fell last year to 2.97 per cent—the first time in life insurance company history in the U. S. A. that they failed to reach 3 per cent.

Right now, most insurance companies are revising their reserve basis interest rate down to 2 per cent, based on their expectations of future earnings.

Discrimination in Housing

Times, New York, N.Y.

Practice Viewed as Anti-Democratic And Counter to Public Interest

Fri 8-1-47

To the Editor of The New York Times:

I should like to comment on the ruling of Supreme Court Justice Benvenga, relating to the suit brought by the three Negro war veterans to enjoin Stuyvesant Town from the alleged practice of discrimination in the selection of tenants.

In his discussion the Justice is reported by your paper of July 29 as saying, "It may well be that, from a sociological point of view, a policy of exclusion and discrimination on account of race, color, creed or religion is not only undesirable but unwise."

I am not concerned with the legal aspects of the question at this point, for I am not competent to judge the legal merits of the case. Obviously, it was the duty of the eminent jurist to render a decision based on the law as it applied to the case. I am disappointed, however, that his statement quoted above was phrased to leave the impression that there was doubt or equivocation in the thinking of the Court on the "policy of exclusion and discrimination."

Fri-8-1-47

In times like these, after such a devastating war to defeat racist theories, and in the light of the new set of social relationships ushered in by the atomic age, for the court to leave any doubt or equivocation on a matter of this importance is most unfortunate.

Particularly where the institution involved is as important as is the Metropolitan Life Insurance Company, and particularly also in light of the fact that leases in this selfsame building project have been broken by the United Nations, the agency entrusted with the building of a new set of world relationships, allegedly because of the discrimination policy pursued by the organization.

To those of us who have worked at this problem first hand there has come the realization that the problems of prejudice in our community can never be solved until segregation is abolished, for it is apparent that not only does prejudice produce segregation but that segregation also produces prejudice.

The relegation of a large segment of the community to a "ghetto" existence by restrictive covenants and discrimination in housing is not only undesirable from "a sociological point of view," to use the judge's phrase, but is the antithesis of democracy, highly immoral and completely at variance with the public interest.

Incidentally, it may well prove in the long run that Metropolitan's policy is not good business either, for such a practice, tying directly as it does into the problems of the United Nations, cannot help but make a significant contribution to the failure of that organization, and could be a significant fact in bringing about a third world holocaust in which the premiums paid on lives of policyholders killed would far exceed the investment in Stuyvesant Town itself.

Fri 8-1-47

The Judge really stated the case mildly when he doubted the "sociological undesirability" of such a policy and missed a glorious opportunity to interpret the cause of democracy to a recalcitrant institution which happened to have the law on its side.

Dan W. Dodson,
Executive Director, Mayor's Committee on Unity.

New York, July 30, 1947.

RACE HOUSING PLEA QUASHED BY COURT

The New York Times

Justice Benvenga Bars Move to Halt Tenant Selection in Stuyvesant Town

N.Y., N.Y. Tue. 7-29-47

NOT A 'PUBLIC PROJECT'

Jurist Points to Legislature's Refusal to Enact Residential Equality Statute

Supreme Court Justice Felix C. Benvenga denied yesterday a motion brought by three Negro war veterans to enjoin Stuyvesant Town from allegedly practicing racial discrimination in the selection of tenants.

The court said: "It may well be that, from a sociological point of view, a policy of exclusion and discrimination on account of race, color, creed or religion is not only undesirable, but unwise. But the wisdom of city and the Metropolitan Life Insurance Company, in the area between East Fourteenth and East

That was and is a matter for the Legislature."

Justice Benvenga noted that Stuyvesant Town is being constructed under a contract entered into in June, 1943, between the city and the Metropolitan Life Insurance Company, in the area between East Fourteenth and East

Twentieth Streets and from First Avenue to Avenue C and the East River Drive. The thirty-five buildings will contain 8,755 apartments and house 24,000 persons. The cost of the development is estimated in excess of $90,000,000, all of which is to be supplied by Stuyvesant Town and Metropolitan.

Cite Condemnation of Land

The land for the project was acquired through condemnation by the city, however, and this fact, the plaintiffs maintained, made it "public undertaking" and so subject to the limitations applicable to public housing projects.

The fundamental fallacy in the plaintiff's argument, Justice Benvenga decided, "is that it confuses 'public use' and 'public purpose' with 'public project,' and assumes that, because the work of redevelopment and rehabilitation is a public purpose, the project involved is necessarily a public project. But the public use and purpose involved terminates when the work of redevelopment is completed; it does not exist throughout the life of the project and until the area is again ripe for redevelopment and rehabilitation. Tue 7-29-47

"In a word, though the purpose involved is a public purpose, the project itself is not now and never was a public project."

Justice Benvenga concluded: "The courts cannot usurp the function of the legislature by reading into the Redevelopment Law a provision which, on a number of occasions, the legislature refused to enact into that statute."

'Not a Recognized Civil Right'

The court, after reviewing a number of cases, wrote:

"It is well settled that the landlord of a private apartment or dwelling house may, without violating any provision of the Federal and State Constitutions, select tenants of its own choice because of race, color, creed or religion.

"Clearly, housing accommodation is not a recognized civil right. It is neither a violation of any provision of the Federal and State Constitutions to refuse such accommodations on the grounds of race, color or religion; nor is it a violation of any statutory provision applicable to Stuyvesant Town." Tue-7-29-47

Justice Benvenga said it followed that "defendants may exercise the usual powers and functions of an owner of a privately-owned and controlled apartment house, and that it may in managing the property, elect its tenants upon any basis which, in its judgment, is most likely to insure the success of the project and the safety of its investment."

The three plaintiffs are Joseph Dorsey, 9 West 108th Street, Monroe Dowling, 270 Convent Avenue, and Calvin S. Harper, 1837 Paulding Avenue, the Bronx.

George Gove, vice president of the Metropolitan Life Insurance Company in charge of housing, declined yesterday to comment on the decision of Justice Benvenga. He said no tenants had moved in, although the first building was certified for occupancy several week ago. He added that the task of processing applicants was being pushed as fast as possible.

Rabbi Irving Miller, chairman of the executive committee of the American Jewish Congress which was associated with the plaintiff in the suit, criticized the decision and said that an appeal would be taken. Rabbi Miller said:

"It is completely unrealistic to pretend that there is no difference between the owner of a ten-family tenement and the world's largest private corporation, between a two-story house and a housing project with a population larger than that of such American cities as Cheyenne, Wyo.; Stamford, Conn., and Ithaca, N. Y. Such thinking will set back by at least fifty years the right to protest the democratic rights of Americans against the power of corporate enterprise."

Racial Policies in Housing

Arguments for Exclusion Examined, Wider Implications Pointed Out

Times-New York, N.Y.

To the Editor of The New York Times:

Wed. 8-6-47

Unless the decision of Justice Benvenga published July 28 is reversed by a higher court, the Metropolitan Life Insurance Company and its subsidiary, Stuyvesant Town Corporation, legally may continue to apply their policy of exclusion of Negroes from the Stuyvesant Town housing project.

However, the issue involved in the injunction suits, one brought by three Negro veterans seeking apartments and the other by a taxpayer, transcends the constitutional and statutory question which was decided by Justice Benvenga and which ultimately will, no doubt, be presented to the Supreme Court of the United States.

In refusing the injunction Justice Benvenga observed that "It may well be that, from a sociological point of view, a policy of exclusion and discrimination on account of race, color, creed or religion is not only undesirable but unwise." "But," he went on to say, "the wisdom of the policy is not for the courts. That was and is a matter for the Legislature." Wed. 8-6-47

Since legislation, at its best, is based upon an enlightened public opinion, the duty rests upon the people of New York immediately to appraise the validity and the consequences of one of the principal contentions made by the Metropolitan Life Insurance Company but which Justice Benvenga held was outside of the legal issues before him.

Position of Company

The officers of Metropolitan Life Insurance Company make the point that as trustees for the funds of Metropolitan's policy holders they may not do anything which would jeopardize the success of the enterprise. It is their position that the presence of Negroes in the project would make housing therein less desirable to whites and that, therefore, they could not be assured of the 100 per cent occupancy upon which success depends.

Metropolitan's position here is based upon an unfortunate comparison between Stuyvesant Town and the ordinary private landowner or homeowner. The pattern, based primarily on fears and prejudice, which has followed where racial minorities have moved into a new neighborhood has no application to a large, self-contained area that creates its own environment. It is precisely because Stuyvesant Town is a controlled project that there need be no fear that there will be infiltration followed by inundation. 8-6-47

Were minorities evenly distributed throughout the entire city, their presence would not be noticeable. And were there adequate living space for minorities, there would be no pressure on their part to inundate any new area they may enter. It is evident, therefore, that the stabilization of neighborhoods depends upon the provision of adequate living space which must be evenly distributed. A policy of mixed racial occupancy in Stuyvesant Town could go a long way toward providing both the living space and a more even distribution.

Success of City's Experiment

New York City's experiment with mixed occupancy has been in progress since about 1935. In none of these projects are Negroes separated from whites and in none has there been friction. "The experiment," says the Authority, "if you wish to term it an experiment, has been a very successful one in every way."

These projects are hardly to be distinguished from Stuyvesant Town. For they too are self-contained communities, creating their own environment, fixing the long-term patterns of living and removing the fear that any single race might overwhelm the neighborhood in disproportionate numbers. Mixed tenantry should offer no more serious race problem to Stuyvesant Town than it does to the public projects above mentioned.

Nor is Stuyvesant Town to be distinguished from public projects because of the type of tenant to whom apartments will be rented. This distinction was suggested by Metropolitan in an affidavit submitted to the court. The argument was there made that tenants in public housing projects had little or no choice with respect to living quarters and were therefore forced to live in projects operating without discrimination. This argument ignores the complete absence of racial friction in such projects. Times-N.Y., N.Y.

Another argument put forth by Metropolitan in support of its policy is that insistence that there be no discrimination because of race in semi-public housing of this type will only prevent the construction of new and badly needed housing. Even assuming that the failure on the part of insurance companies, etc., to undertake redevelopment projects can be traced to the existence of the law against discrimination, it does not follow that Metropolitan's opposition to the city's policy will lead to more housing.

Policy of Mixed Occupancy

If the attitude of the insurance companies and other financial institutions has been correctly stated, it follows that such institutions will undertake redevelopment projects only when they are satisfied that the requirements of the city ordinance forbidding discrimination in tax-exempt projects do not threaten their investment. Only the existence of a redevelopment project successfully operating under a policy of mixed racial occupancy will convince reluctant investors that they have nothing to fear from the city's policy. Stuyvesant Town can, therefore, by adopting a policy of mixed occupancy, demonstrate whether or not that policy will work. Wed. 8-6-47

Finally, Metropolitan has completely ignored the serious problem involved in the housing of minorities. We cannot assume that the company is completely oblivious of the public good, for it has continually insisted that it was concerned with the redevelopment of blighted areas as well as with investment when it undertook Stuyvesant Town. If Metropolitan is concerned with the public interest, as it has insisted, it has now the opportunity to demonstrate that concern in a practical manner. Times-New York, N.Y.

It is obvious that simply creating more and larger segregated areas for minorities does not solve the problem of housing; it merely postpones it. But it cannot be postponed without risk of racial tensions and possible conflicts. For this reason the construction by Metropolitan of a project such as Riverton for Negroes does not in any way lessen the evils of our racial ghettos. On the other hand, to permit Negroes to occupy apartments in Stuyvesant Town with selection being made on the same basis as employed for the selection of whites, would go a long way toward breaking up the ghetto pattern with all its attendant evils. By providing more space and housing for Negroes, the pressures in other neighborhoods would be lessened and selective infiltration into all areas would result. Wed. 8-6-47 It will be a great contribution to the public welfare for Metropolitan to take the initiative and admit Negroes to apartments in Stuyvesant Town on the same basis as apartments are made available to whites.

SHAD POLIER.

New York, July 31, 1947.

The World Courier TODAY Pittsburgh, Pa.

By George S. Schuyler

Sat. 10-11-47

Frederick H. Ecker, board chairman of the Metropolitan Life Insurance Company, received last week the annual gold medal of the Hundred Year Association of New York for his achievements in the field of better housing. The two greatest housing projects built by the Metropolitan are Parkchester and Stuyvesant Town in New York City, neither of which admits colored tenants although domestics are permitted to sleep within their sacred confines. This company has over a billion dollars in Negro insurance.

Ohio

MONEY CHANGERS SEEK TO EVICT NEGRO CHURCH

Daily Worker Thur 3-6-47

New York N.Y.

COLUMBUS, Ohio, March 5.—The Church of Christ faces eviction by the Guarantee Title & Trust Co. of Columbus, backed by two lower courts. Thur 3-6-47

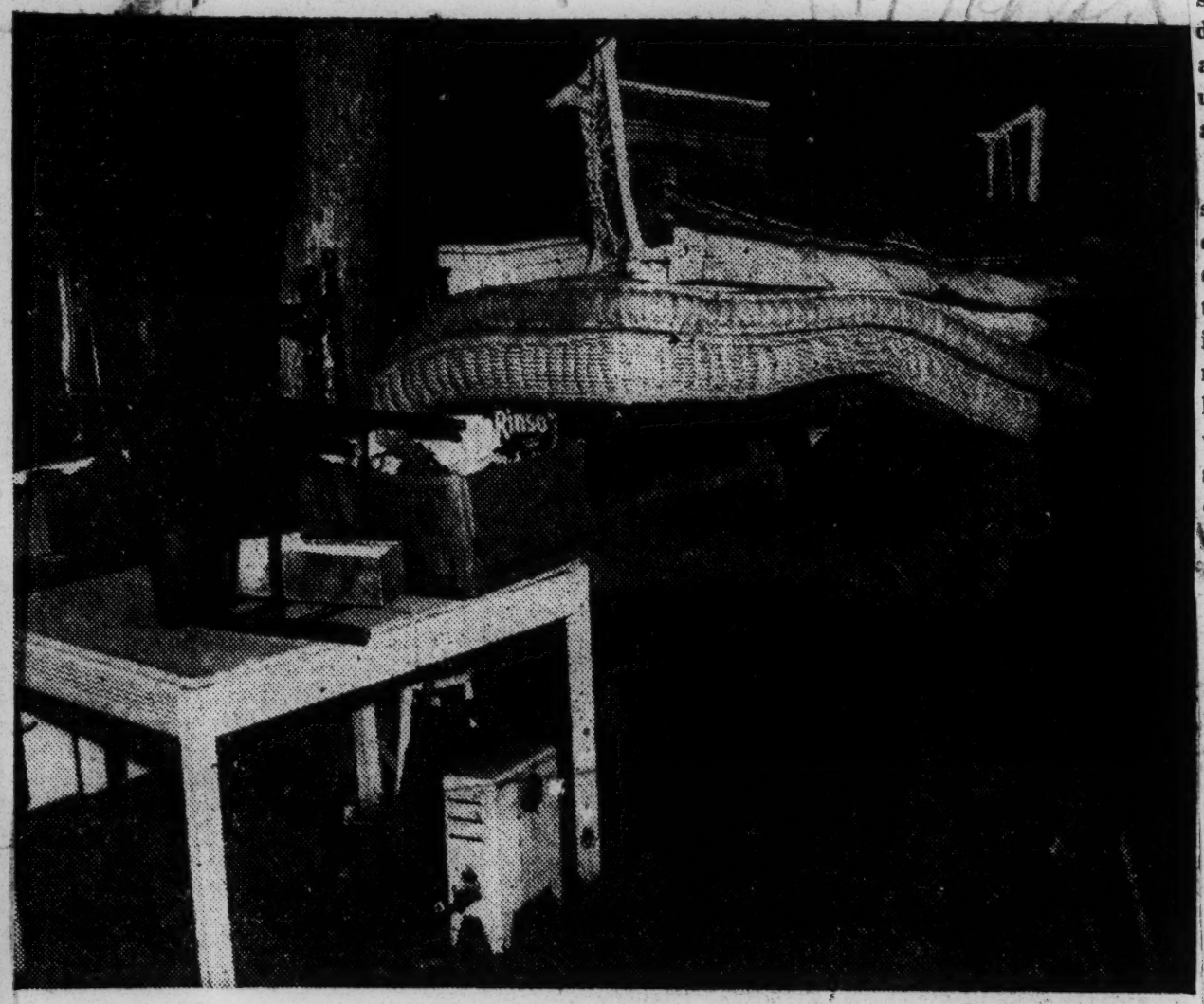
The church, a Negro congregation, was told by the bank to get out because an old clause in the title forbids sale to, or occupancy by, non-whites. It appealed to the courts, which admitted that it is unlawful to bar sale of property to Negroes—but went on to rule that it's okay to bar occupancy by Negroes!

The courts reached that conclusion by calling the occupancy barrier a private matter.

The American Civil Liberties Union, in a brief supporting the appeal to the Ohio Supreme Court, argues that restrictive covenants may seem to be private, but when they are enforced by the courts "the problem becomes a public one." Thur. 3-6-47

49 1947 klahoma

PROPERTY OWNER "PUT IN STREET



Evils of democracy piled these hard-to-get, hard-earned furnishings into the parking fronting 1315 Northeast Ninth street last Wednesday before Thanksgiving, resulting from Oklahoma's supreme court decision upholding a vicious anti-Negro restrictive covenant pact by white majority property owners.

The furnishings belong to Mrs. Bertha Edwards-Jones, who has been bedridden about fifteen days, and who purchased the house more than a year ago from a white couple who later "about-faced" and filed the eviction suit. Black dispatch, Oklahoma City, Oklahoma

Neighbors were attending the sick woman by bringing food and other aid to the almost bare room occupied by Mrs. Jones. Mrs. Jones said she has no place to go and no place to put the furnishings, which were exposed night and day into the early part of this week.

"Shut Up," Said The Sheriff

Black Dispatch Oklahoma city

But He Did Not Understand The Deviltry That Was Going On

49 —

Restrictive covenants brought a bitter and bleak Thanksgiving morning to Mrs. Bertha Jones, owner of a comfortable duplex at 1315 Northeast Ninth street and to Mr. and Mrs. Alex McNeeley, who occupied the east apartment of the structure. Oklahoma.

Wednesday, Mrs. Jones, who lay sick in bed, occupied a house divested of all of its furniture except the bed on which she lay, by the sheriff's aides, while Mrs. McNeeley, with a new-born babe in her arms, was forced to see the hand of the law drag all of her earthly possessions unprotected into the street. 12-6-47

A telephone call early Wednesday morning to the Black Dispatch advised that Sheriff Strain's deputies were forcibly ejecting this property owner from her home, so in company with one of our reporters, we drove over to the home to view with our own eyes how democracy functions in Oklahoma City in this year of our Lord 1947. Sat. 12-6-47

When we arrived furniture, as pictured on this page of this edition, was piled high all over the front parking, while two deputies stood guard on the front porch and two others loitered in the middle of the street. Evidently someone had sent in a riot call, for immediately following our arrival another load of deputies drove up and jumped out of their cars as if looking for trouble. Sat. 12-6-47

"Shut up," promptly and sternly one of the younger deputies shouted to a little middle-aged woman who was frantically gesticulating and creating somewhat of a scene in the middle of the street. This lady lives in the house immediately west of the 1315 address and she is due shortly to be dumped out into the thoroughfare, according to statements made by deputies on the scene.

"So this is what you call America! This is what my son fought for across the seas! This is what you call the land of the free!" shouted the little, frail woman as she wrung her hands and addressed herself to everyone present. She paid no attention to the young fellow who had told her to shut up and followed one of the older, white-headed deputies across the street to the home.

"What's this all about?" asked the young deputy. "What's that old lady disturbed about?" he inquired as he walked over to the car where this writer sat.

We told him that the hysterical little woman was very alarmed because she felt the same thing that was happening at 1315 Northeast Ninth was going to happen to her.

"Well, what's the matter with those people at 1315. Do they owe rent, or have they failed to pay for their property?" queried the now aroused deputy. "What's the trouble?"

"No," we said. "They owe no rent. They have paid for their property, but Sheriff Strain is evicting them because the Oklahoma State Supreme Court has held that 'A' and 'B' may legally enter into an agreement not to sell to 'C.' The folk who are being evicted and the poor woman wringing her hands are both 'Cs'. In other words, white people in this neighborhood got together sometime ago and decided that they would not sell to Negroes. Oklahoma courts have held they had a legal right to do this."

"Hell, that's not right!" indignantly exclaimed the deputy who had just a few moments ago told the little colored woman to "shut up." "That can't be law. You mean to tell me that woman has paid for her home and then they are taking it away from her without any compensation whatsoever?"

"That is precisely what I mean to say," we continued.

The young fellow said some bitter words unfit for print and then announced, "Well, I personally will not have anything to do with a thing like that." Quite evidently he had reached the conclusion that the poor, helpless black woman, whom he had at first decided was an undesirable citizen needing her face slapped, was a defenseless and mistreated tax payer, who was not yelling half as loud as he would be screaming if placed in a similar and precarious position.

JONES FAMILY EVICTED FROM 1315 N. E. NINTH

Black dispatch Oklahoma City, Oklahoma

Misfortune and hardship marked Thanksgiving for two Negro families occupying a duplex at 1315 NE Ninth, when Oklahoma County sheriff deputies served warrant from the state supreme court evicting them from their homes about 11 AM Wednesday.

The property, involved in a restrictive covenant suit won by white majority petitioners, is owned by Mrs. Bertha Jones, who is sick abed and was permitted to remain in the lone room with a minimum of furnishings. All other household goods were moved to the parking by the court order. 12-6-47

The west apartment was occupied by Mr. and Mrs. Alex McNeely and daughter who was abed with a one week old baby boy. The daughter was allowed to remain abed but all other household furnishings were likewise moved by licensed workers employed in moving such goods. Sat. 12-6-47

SECOND VICTIM OF OKLAHOMA "SUPERIOR RACE" PACT.

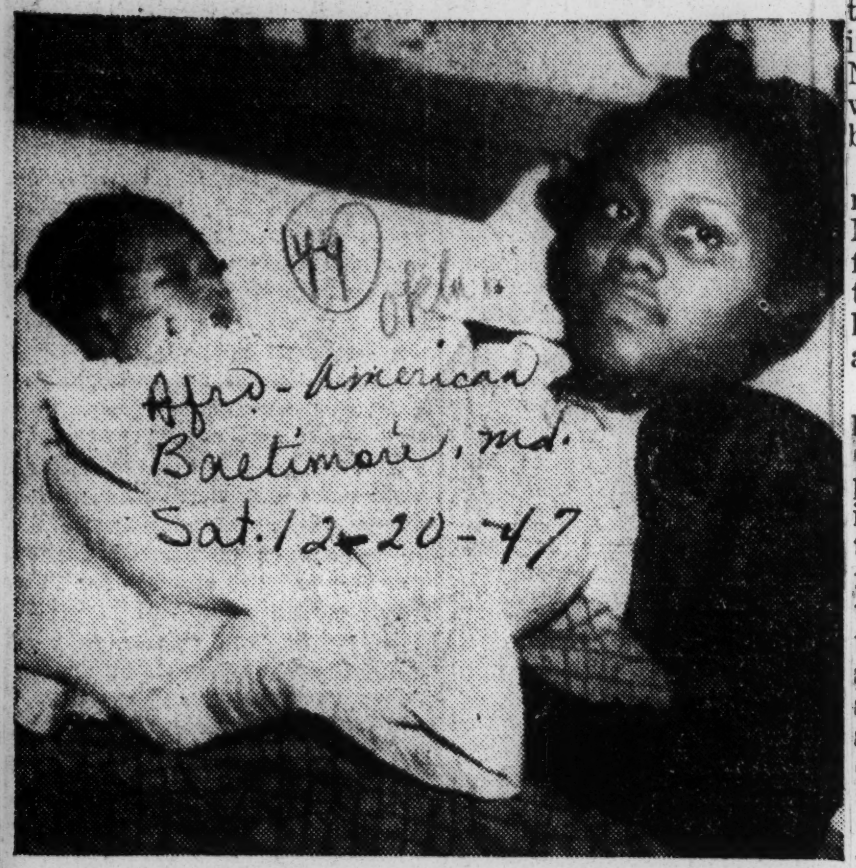


Photo shows a young mother and babe, occupying the front room of the west apartment of a duplex at 1315 Northeast Ninth, who were evicted from the house purchased more than a year ago by Mrs. Bertha Edwards-Jones, whose photo appears in this issue, also bedridden from illness.

The young mother is the daughter of Mr. and Mrs. Alex McNeely tenants of the west apartment.

The week-old baby boy was completely oblivious to the round of wholesale deviltry that removed every household furnishing, pot and pan from his seven-day home last Wednesday before Thanksgiving.

Tragic Lessons We Learn

Black Dispatch

Tragic as it unquestionably is that several of our progressive citizens are losing their homes and all of their life's savings in the wholesale ouster of Negroes from the 1300 block on East Ninth street, there are yet some lessons we, as a group may salvage from this almost unbelievable infamy. Someone has said people should not cry over spilled milk. That perhaps is true, but that does not mean that people should not learn how to balance the pail when they refill the bucket. Oklahoma City, Oklahoma

One of the lessons we should learn is to join civil rights organizations and build up a storehouse of information regarding how to protect citizenship rights. There are many Negroes shouting about their citizenship today who would not know how to identify their rights if said constitutional guarantees were riding boldly down the streets on the back of an elephant and led by a brass band.

One of the particular lessons we have learned, or should have learned, out of this bitter experience is to join the NAACP, and before taking vital steps as were taken in this particular instance, to request legal advice from the NAACP legal department. Purchasing property restricted with anti-racial covenants is a hazardous undertaking at best, and we want to say here and now that the NAACP did not have anything to do in the advisory realm in dealing with these purchases, or in the later lawsuits that followed. The best way to keep the NAACP out of a civil suit is to plunge headlong into a situation where you can't win and then call upon the NAACP. This organization cannot perform miracles, and when you commit civic suicide it is not going to try to bring you back to life.

And this attitude is taken as a defense technique. How many people do you suppose would hold confidence in the NAACP if the organization majored in losing cases? Confidence in this militant organization has been built up over the years through the insistence of the NAACP that the legal department enter law suits on the ground floor and not after they are hopelessly steeped in ruin.

Let us say, for instance, the persons who purchased the property on East Ninth street should have come to the legal department of the NAACP before they took title to this property. The advice would have been not to place a dime in the hands of the owners unless it was contracturally agreed that in the event that title to said property was invalidated, the purchaser would be refunded his money. Only one of those who purchased property in this neighborhood was thoughtful enough to protect herself, so that even though she loses the property her money must be refunded. You see that sort of contract is just as inviolate and safe as restrictive covenants, and perhaps more safe when restrictive covenants get the once-over by the U. S. Supreme Court this month.

If these depossessed Negroes had consulted the NAACP in the first instance, so that the organization could have followed through in the legal actions later taken, these property owners would have been advised of the cases now on appeal and the fact that the Supreme Court will hear these appeal cases during the month of December. Knowing this, the cases that have now lapsed could have been appealed. That is to say, notice could have been given of appeal, without a dime's worth of work being done, and local attorneys representing the NAACP could have sat down and awaited the decision to be rendered this month, which, if favorable, would have saved this property. Black Dispatch

But the appeal period ended before any of these litigants called upon this writer or anyone connected with the NAACP. If the Supreme Court acts favorable in this matter, this decision will not be retroactive to affect the cases already settled. It is an unfortunate situation that cannot now be remedied. Oklahoma City, Oklahoma

The constructive value, however, from this bitter experience has been already pointed to. When one decides to invest his life's savings he needs to talk to someone else other than a real estate agent, interested in nothing more than his commission in the sale of the property. Sat. 12-6-47

As we said last week, the opening of the NAACP regional office at Dallas, which places legal counsel from now on in immediate contact with Oklahoma City, will cure many of our civil ills. It is almost unbelievable that shylock lawyers, in this moment of dire extremity would be demanding $500 fees purportedly for filing futile motions in court of extremely doubtful value, and would operate only to stay final ouster. The fine thing about NAACP counsel is that they get no fees at all. Their salary is paid partly by the region and party by the national office. Why not make a resolve now to join the NAACP before the day closes?

Coward Phones Vile Threats To 'Covenant' Victim

Black Dispatch
Oklahoma City, Okla.

"Listen, you g-- d--- s-o-bs, I'm givin' you to sundown to get out of that house, if you don't you're goin' to catch a stick of dynamite! . . .you understand?" Three times Saturday morning some hispering man called the Bertha Jones residence, 1315 NE Ninth street and threatened the occupant in this vilely profane, un-American manner.

The owner of this residence, a six-room duplux, is Mrs. Bertha Jones, who purchased the home nearly two years ago from white owners who had joined a vicious restrictive covenant contract which was recently upheld by the Oklahoma supreme court.

Promptly the court ordered Sheriff Dick Strain to evict Mrs. Jones from the home she has occupied many months, and this order was promptly carried out by deputy sheriffs on Wednesday before Thanksgiving.

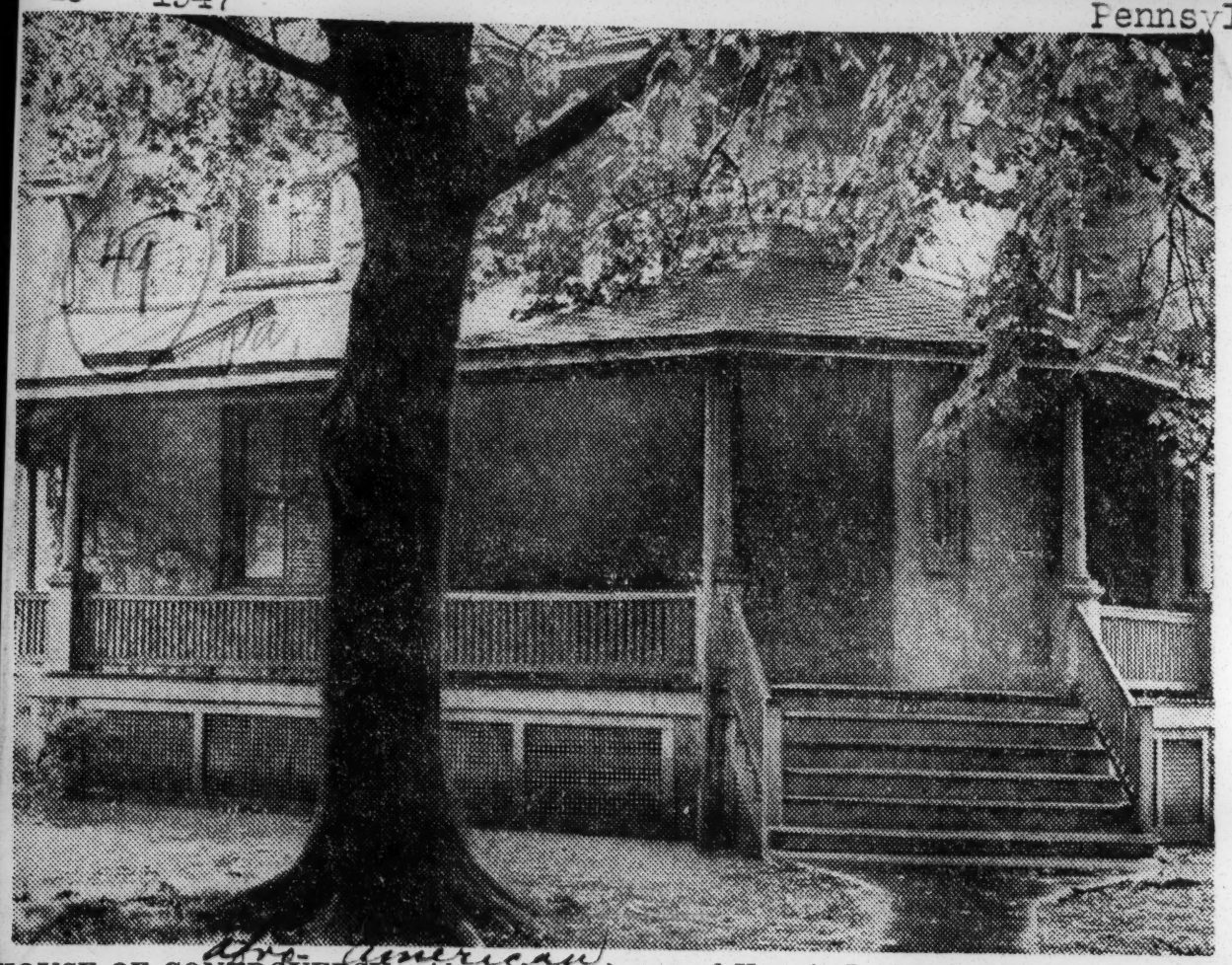
Two weeks prior to the eviction Mrs. Jones suffered a nervous breakdown from strain resulting from work and extreme anxiety aroused by the vicious lawsuit. Attended by Dr. Maurice Moore, local physician at 524 NE Fourth street, the unfortunate widow was directed to avoid undue mental and physical strain and remain abed.

This statement of examination of the doctor was conveyed to the Oklahoma county sheriff whose deputies were directed to leave intact the absolute necessities needed by the sick woman, but every other item in the house was moved to the curb fronting the north side of Ninth street.

The BLACK DISPATCH reporter found Mrs. Jones Saturday morning in great distress, lying in an almost bare room, heated by an electric stove as gas heaters throughout the house were disconnected and put on the curb Wednesday before Thanksgiving during the eviction.

A 17-year-old daughter must live next door, because of the supreme court order and run to and fro to attend her mother.

Neighbors have been helpful and have aided in caring for some of the woman's furnishings, a good portion of which still remained under a tarpaulin at the curb. Democracy was certainly NOT in action in Oklahoma City Saturday morning.



Afro-American

HOUSE OF CONTROVERSY—Above is the house of Kermit J. Hall in Yeadon, Pa., which a white lawyer charges was illegaly purchased, because the Halls are not "members of the Caucasian race." Also named in the lawyer's suit is Richard H. Holmes, also colored, who sold the home to Hall. Baltimore Md. 9-27-47

Interracial Feud Over Farm Land Near Nashville Sizzling

Pittsburgh, Pa. Courier Sat. 6-21-47

NASHVILLE, Tenn. — A bitter controversy over possible infiltration of colored people in a white farming community on Antioch Road was brewing over the weekend.

Meanwhile, another group of Negroes headed by W. B. Carr, a former-Chicago evangelist, was planning to establish a farm for colored juvenile delinquents and orphans four miles out of the city on Elm Hill Road. So far, there has been no opposition to this project and Carr says colored people already are living in the Elm Hill Road community.

C. H. Webster, spokesman for the group of Negroes interested, said today he had abandoned efforts to purchase a 126-acre farm near Little Mill Creek on which his people originally planned to establish a recreation center—but white residents of the section said they believed Webster has secured title to the property and added they will fight to the finish its occupancy by his group.

DROPPING PLAN

"We've decided the plan isn't we're dropping it. As far as I'm concerned the matter is closed. I was bargaining for the property—but now I don't want it."

However, Otis Robertson, Nashville real estate man with whom Webster has been negotiating, reported the deal had been closed.

Robert Mays and Albert Hitt, white residents and property owners on Antioch Road, said a protest mass meeting would be held this week at Mill Creek Church near the homes.

"At that time," said Mays, "we will make plans to keep the Negroes out if possible. Webster has told us he doesn't plan to go through with the deal, but in view of what Robertson, the real estate man, tells us we frankly don't believe him."

"Following our meeting Tuesday night we will make every effort to have the property in question zoned for white occupancy only." Sat. 6-21-47

The property for which Webster has been negotiating consists of 126 acres known as the old Caldwell farm near Seven Mill and Little Mill Creeks on Antioch Road.

"We have our futures and large amounts of money invested in the properties we own," said Mays, "and we don't intend to have our investments jeopardized and our homes ruined if we can possibly help it."

Huge Fiery Cross On Lawn Warns Medic Not To Occupy New Home

Chicago Defender
Chicago, Ill. Sat. 6-7-47

KNOXVILLE, Tenn.—A 15-foot fiery cross was discovered on the lawn of the recently purchased home of Dr. E. F. Lennon here early last week. The house, located in the 1800 block on Dandridge Pike, is in a predominantly white neighborhood.

Dr. Lennon, who has practiced medicine locally for the last 30 years, purchased the 13-room building at the instigation of a white man.

While having some extensive alterations made to the house, the doctor received several anonymous warnings not to attempt to occupy the property.

About 9:30 p.m., Sunday a large crowd of spectators was attracted to the home by the sudden bursting into flames of a 15-foot cross on the lawn. However, they were warned to stand back, and just at that time, an earth-jarring explosion followed that was felt in the radius of one mile.

Negro Woman Seeks To Evict White Renters

MEMPHIS, Tenn., Oct. 2—(AP)—Testifying she had no place to live, Anna Rollin, Negro woman of Chicago, yesterday sought to have 18 white families evicted from her house which is on the side of a block occupied entirely by white people.

Birmingham Ala. Herald 10-3-47

The property, rented by Mr. and Mrs. A. B. Del Pontes, also houses 34 subtenants, including many children.

The Chicagoan told General Sessions Judge Francis Holmes, who later took the case under advisement, that she desired to repair the house and provide shelter for a brother and other relatives.

Del Pontes testified he wanted to retain the property so he could "protect those people."

49 1947

Utah

'Sitdown Strike' Wins Powells Hotel Rooms in Salt Lake City

11-22-47

SALT LAKE CITY, Utah—A sit-down strike by Rep. Adam C. Powell, his wife, Hazel Scott, their baby and his nurse, proved effective in obtaining accommodations for them recently in this prejudice-ridden city's Temple Square Hotel. 11-22-47

Here for Mrs. Powell's concert on Nov. 5, they were told that they would have to stay in Ogden. Mr. Powell, declaring that he would not endanger the baby's health, stood his ground. They obtained rooms and left for Chicago the following morning, after the concert.

A Cruel Blow to Richmond's Reputation

Times-Dispatch

RICHMOND'S Board of Aldermen has struck a cruel blow at 65 colored families by telling them that they may have water and sewers like all other citizens, but only on condition that they sell their homes to the city and move elsewhere, when the present owners, or their spouses, have died.

No provision whatever is made for the children of the parents who die there; these children must move, including the war veterans, numbering about 40, who thought they were fighting against just the sort of discrimination that the Board of Aldermen has voted for.

4-17-47

The excuse used by the Aldermen is that the Westwood area is needed for a park. Since the City Planning Commission has held that this is not a proper place for a park, the aldermanic pretense is all too transparent.

Richmond, Va.

If Common Council were to concur in the program which the Aldermen adopted by a vote of 9 to 3, Richmond would be denounced from coast to coast as a place which does not know the meaning of justice. We shall be criticized as vehemently in the South as in the North.

For years the people of Westwood have been urged by their more aggressive advisors to take their case to court, on the grounds that they could never get justice from City Council. But Westwood banked on Richmond's sense of fair play. The action of the Aldermen tends to knock the props out from under that faith.

Times-Dispatch

However, the battle is not yet lost. There is good reason to believe that Common Council will refuse to concur in the aldermanic action, and there is still hope that a meeting of minds between the two chambers may result in a fair and equitable agreement which will grant Westwood the needed improvements without any strings attached.

It is a sound policy of statesmanship to grant voluntarily that which will otherwise be extracted by compulsion.

Times, 4-17-47

Thanks for the part they have played in Westwood's fight for simple justice go to WALTER W. CRAIGIE, who has served as a courageous and able spokesman for Richmond's conscience in these prolonged negotiations and hearings, and to ALDERMEN ROBERT C. THROCKMORTON, L. R. BROWN and J. VERNON RICE, who voted on Tuesday night against the plan to throw some Richmond citizens out of the homes they have occupied for generations. These men, and many other white Richmonders, strove valiantly to maintain Richmond's reputation for fair play.

A Westwood Compromise

Times-Dispatch

IT IS greatly to be hoped that tonight's mass meeting in Westhampton High School will approve the installation of water lines and sanitary sewers for the 65 colored families of city taxpayers who live in Westwood. Here we have a test of Richmond's sense of civic responsibility and its spirit of fair play.

The citizens of Westwood have been annexed, and are entitled to the normal municipal improvements that come with annexation. They have not received those improvements. Furthermore, the result is a threat to the health of the entire city. All the wells in Westwood have been condemned because of the sewage arrangements which prevail; and 53 of the 65 households are getting drinking water from a single hydrant. Wholly aside from the fact that this is not fair, it is not intelligent.

Richmond 2a

The people of Westwood began establishing that settlement 80 years ago in what was then Henrico County, long before any white people moved into the area. They have been hard-working, law-abiding, stable citizens—among the best in this section. They ought to receive justice.

Va. 4-4-47

The essential need is that they be given water and sewage facilities. A paper also is pending which calls for widening their streets, and for extending those streets into adjacent territory. If water and sewage are made available to the 65 families now living in Westwood, many of their friends would be satisfied, and would feel this to be a reasonable compromise. The objective should be to do the right thing by those already living in Westwood—not to make it attractive to new settlers. Grading and surfacing of the existing streets in Westwood at some not too distant future time would seem desirable, but plans for widening them and for opening up new ones might well be abandoned in deference to the wishes of those who object to such a program.

Richmond, Va.

In short, water and sewers for Westwood residents is a minimum program of decency, and one which right-thinking Richmonders cannot oppose. This compromise should appeal to all reasonable persons, and permit the really essential portion of the improvement program for Westwood to go forward.

Democracy on Trial

Times-Dispatch
Richmond, Va.
4-21-47

Editor of The Times-Dispatch:

Justice-loving citizens of Richmond can hardly fail to be warmly appreciative of the position taken by our papers on the Westwood matter. The editorials in The Times-Dispatch are especially forceful, and, despite the disappointment many of us feel at the failure of the Board of Aldermen to agree with the action of the Common Council, we are grateful for your efforts to secure fair treatment for a group of our Negro citizens.

At this crucial hour in world affairs, when our democracy is on trial, our treatment of underprivileged minorities has its effect not only in Richmond and Virginia, but in other lands also. We play into the hands of the enemies of our system of government whenever we fail to show concern for the rights of any group.

Richmond, Va.

I join others in appreciation of your stand on the Westwood matter.

JAMES H. FRANKLIN.
Richmond.

9a. 4-21-47

A Matter of Principle

Richmond Times-Dispatch

Editor of The Times-Dispatch:

The editorial in your issue of April 6 on the subject of the Westwood community seems to me a timely and clear-cut analysis of the situation.

Va.

At the risk of repeating the thoughts in the editorial, I would like to remind those who are supporting the idea of developing a park, either now or later, which would include the little Westwood community of Negroes:

(1) That the idea of a park is merely a pretext for ousting these respectable and law-abiding Negro citizens and that the City Planning Commission has stated this is not a suitable location for a park.

Richmond, Va

(2) That this community was established long before the white people, now living nearby, built their homes.

Times, 4-8-47

(3) That if the 65 families in this colony of home owners were white they would be left undisturbed and would be given the streets, sewers and water supply without question.

(4) That these citizens look to the whites for justice and that the whites are under heavy obligation to see that their power over the fate of these homes is not exercised with disregard of the rights of a relatively helpless minority.

(5) That the problems of finding places for Negro citizens to build where they can enjoy attractive surroundings is difficult in all cities and that help rather than hostility is needed.

(6) That our contribution to a better world begins in our own community and that disregard for the wishes and rights in this colony would be a manifestation of the thing we have condemned in the despicable Nazi philosophy.

There is one just way, I believe, for those property owners who fear deterioration of property values to approach the matter of eliminating the problem and that is to get together and offer enough money to buy the properties. If any of these original owners refuse to sell their property, they should be left undisturbed and given proper facilities.

The mobilization of the selfish and primitive emotions in man is unfortunately too easily accomplished. Thank God for the writer of the Sunday editorial and for the other fine men and women whose Christian principles and sense of justice can stand the acid test.

J. L. BLAIR BUCK.
Richmond.

The Westwood Affair

Editor of The Times-Dispatch:

I read with pride today's (April 6) editorial supporting Walter W. Craigie in the Westwood affair. I hope every good citizen will help these people keep the homes for which they have worked.

There are many places for a park, and it need not be gained by evacuating some of the good and faithful friends.

That they are dear to us, is shown in James Branch Cabell's chapter on his old nurse in "Let Me Lie." He voices the opinions of those who have had and loved an old nurse.

MARGARET DASHIELL.
Richmond.

Test of a City's Conscience

Editor of The Times-Dispatch:

Every citizen of Richmond should realize that we face a crisis in the decision we finally make concerning the question of taking the homes in the Negro village of Westwood away from owners against their will.

The Negroes who bought lots and built homes and thereby established their village had exactly the same right to expect permanency of ownership as I and my neighbors had when we bought and built in Ginter Park. We expected and found permanency of ownership and the community life of a neighborhood.

No thinking man can accept the statement of those who declare that these Negro families will be fairly treated if we force them to give up their homes at prices to be fixed by the city's representatives, unless such seizure can be shown necessary to the welfare of the city. Advocates say glibly that each Negro family will be permitted to live in its own home during the lifetime of present owners. But they fail to call attention to the fact that as each family moves out, the actuality of the Negro neighborhood and community will be increasingly lessened and lost, and the old people who persist in holding onto their homes will be awfully lonesome.

This right of permanency of the community is a real property right and a vital element in the fixing of financial values. Will that value be taken into consideration if the city should destroy the Negro community?

Of course the city needs more parks, and with its right of eminent domain the city has the power to take any man's property for a purpose necessary to the welfare of the community. But it would be a gross injustice which I would carry to the courts if the city should take my property against my will unless its seizure could be proved necessary.

Is the Negro village of Westwood the only place which can be secured for a park? Or is a park in that exact location necessary to the welfare of the city? Are there not tracts of adequate acreage not yet built upon in the western section of the city which can be purchased without evicting a number of families? Suppose such tracts should cost more when bought from white people; are we going to set a money price upon our estimation of moral values? Suppose the executive board of the Southern School for Workers appreciates your sponsorship of the idea of razing the homes of the citizens, con-

Times, 4-8-47

Richmond, Va.

As an organization interested in the welfare of all citizens, we are deeply interested in having proper and adequate facilities for the installation of sanitary facilities for the home community and hopes the most earnest effort to secure the opportunity to be fully informed of the rights of the groups objecting moved into this general locality much later than the date of the establishment of the Westwood community and had the opportunity to be informed of the rights of the Westwood citizens.

HOWARD H. DAVIS,
Chairman.

Fairness to Westwood

Times-Dispatch

Editor of The Times-Dispatch:

The following is a letter to City Councilman Fielding L. Williams:

Richmond, Va.

(Rev.) G. MacL. BRYDON.
Richmond.

What's Behind It?

Editor of The Times-Dispatch:

Congratulations to you for your efforts over a long period in keeping a disgrace from befalling Richmond and the people of Virginia by using the influence of your great paper's columns in denouncing the desire of certain Richmond officials to dislodge certain Negro homeowners in Westwood.

From all I have read concerning the proposed plan to establish a park in Westwood eventually, it is something based on no ground of necessity or sound judgment. In fact, the City Planning Commission has held that Westwood is not a proper place for a park. Why then do those who advocate this project persist in their efforts?

Is there some ulterior motive behind the movement? In other words, have you discovered from your analysis that the establishment of a park is not the real reason for this prolonged effort to dislodge eventually, if not now, the Negro homeowners of Westwood?

Your paper is read by a vast audience outside Richmond. Your sense of justice is an asset to our beloved State. The Westwood Negro homeowners need the justice your paper assures them.

NORA E. JORDAN.

Waynesboro.

Issues At Westwood

Editor of The Times-Dispatch:

In Monday's Times-Dispatch Alderman Frank S. Richeson issued a statement in regard to Westwood village and sanitary utilities for the same in the hope, as he expressed it, "of getting the record straight." Many who have opposed Mr. Richeson's plan think they have understood the matter all along and do not find he has shed any new light on the subject.

For over two years the question of granting sanitary facilities to Westwood village has been before Common Council and the Board of Aldermen. To offset such a grant, Mr. Richeson in January, 1945, introduced a bill whereby the city would buy, for a park-playground, 130 acres of land in Westwood, 35 acres of which is the Negro subdivision known as Westwood village. This land was acquired about 80 years ago by said citizens of their parents and was then about four miles beyond the city limits.

Mr. Richeson later amended his bill providing that the owners, after forced sale of their property to the city, would be allowed to stay there the remainder of their lives without paying rent or taxes. Mr. Richeson's bill has been twice defeated by Common Council. It has been vigorously opposed by religious and civic groups and by the newspapers. Nevertheless, when the recent bill for granting sanitary facilities to Westwood village was unanimously passed by Common Council, this bill was rejected by the Board of Aldermen by nine members voting against it. These nine men voted to give the facilities only on the condition the city buy the above mentioned land to be used eventually as a park-playground.

In Mr. Richeson's statement he asks why Henrico did not do something for the inhabitants of Westwood. I reply the county gave them that which they desire above all else: good will, consideration and respect of their property rights. When Westwood village was part of the county this area was sparsely settled and the people had their own wells which had not been condemned as unsafe. Today the situation is different. Not only does the health of Westwood village demand these utilities, but also the health of the people who have moved to the neighborhood.

The people of Westhampton do not oppose the idea of a park for this section. They merely oppose—and strongly—the acquisition of any property which is not conclusively shown to be the ideal site for a park when such acquisition forces citizens unwillingly to sell their homes.

EUGENIA G. BURNETT.

Richmond.

Westwood Gets Justice

RICHMOND'S Board of Aldermen is entitled to public thanks for its willingness to reverse the position it formerly took with respect to Westwood. These open-minded men have adopted the fair and proper course in allowing the Westwood taxpayers to have water and sewerage facilities.

MAYOR EDWARDS lost no time in instructing the City Directors of Public Utilities and Public Works to proceed with the installations immediately. The sooner the job is completed, the better. Not only are the 65 families of Westwood being put to great inconvenience, but they are subject to the constant hazard of an epidemic, and so is the city as a whole—as long as this settlement lacks elementary sanitary arrangements.

Many persons deserve credit for the result which has been achieved. Men and women who normally take little part in public affairs were aroused by this Westwood controversy, and they made their feelings felt in high quarters. It was clear that here was no ordinary controversy, but one which appealed to the city's sense of fair play.

While the figure of $500 has been mentioned as an average cost to Westwood householders for making connections with city pipe lines and installing interior fixtures, much depends on what fixtures a given family wants to put in. Certain basic requirements can be met for considerably less than $500. At all events, there is reason to believe that the citizens of Westwood are grateful to Council and to their friends throughout Richmond for making these facilities available to them, and that they will take advantage of the opportunity granted them.

And may the installation of these facilities serve finally to terminate this unfortunate controversy which has been distracting this community for some two years!

Unnecessary Segregation

(An Editorial in the Bristol Herald Courier)

WE OBSERVED from a real estate assessment story in the news columns the other day that separate figures are given for the real estate owned by white people and separate figures for the real estate owned by Negroes. We had previously observed that the poll tax books are kept similarly—a separate list of Negro voters and a separate list of white voters.

Our curiosity caused us to make an investigation of the reason for this racial segregation. We found than an act of the legislature in 1874 required the commissioners to make out separate lists of property owned by whites and Negro and required further that there should be separate books for this purpose. This statute has been subsequently re-enacted and finally incorporated as Section 253 of the present Tax Code of Virginia.

The only clue we have been able to find as the reason for the separation of taxpayers according to race is contained in a foot-note in the Code, which says: "This section is a purely statistical measure and was intended as a basis for the apportionment of the school tax fund between the white and Negro races in proportion to the amount of taxes contributed by them respectively." Of course nothing like this has ever been done or attempted, to our knowledge. The fact that it was even considered is remarkable. It would be a monstrous proposition in a democracy to say by law that educational opportunities for members of a minority race shall be restricted to the tax contribution made by the members of that race.

Commissioners of the revenue and their assistants are put to no small amount of trouble by this apparently silly requirement that races shall be separated for purpose of land tax assessment and poll tax records. The clerks of the court and the commissioners of the revenue find themselves in the position of having to seek information to ascertain in each case of a property transfer, whether the buyier is Negro or white. The statute has been slightly changed in recent years so that it no longer requires separate record books for each race. It permits the record to be made in one book, but requires that the book be divided and the racial records clearly separated. Another interesting matter arises in this connection. Much real estate is held by corporations. What the clerks and commissioners may do in the classification of real estate holdings according to racial ownership, where the property is held by a corporation, is his own problem. There are not a few corporations owned by Negro people and many corporations in which Negro citizens are shareholders. Presumably all corporate real estate holdings are thrown into the white section of the land book, further illustrating the absurdity of the law in the first instance.

Whites Ask Courts To Intervene

Seek To Enjoin Non-White Persons Living In Block

By NNPA News Service

RICHMOND, Va. — Residential segregation is advantageous in promoting good interracial relations, it is argued in a brief filed in the Law and Equity Court last Tuesday in behalf of four residents of the 700 block of North Thirty-third street, who are seeking an injunction to prevent the occupancy of premises 706 North Thirty-third street by colored persons.

The brief cited a number of cases in other states where racial restrictive covenants have been held valid and enforced by injunction. Among them were four cases in which the United States Court of Appeals for the District of Columbia has affirmed judgments of the District Court upholding such covenants.

The brief also stated that the "United Nations Charter is not a controlling authority."

(Editor's note: Lawyers opposing restrictive covenants contend that judicial enforcement of such covenants is clearly in violation of the Charter provision that member nations shall promote "universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race," and that the United States is a party to the Charter, which has been ratified by the Senate as a treaty, making it the supreme law of the land.)

The covenant in question provides "That the premises hereby conveyed shall never be used or occupied by any other than a white person."

The property at 706 North Thirty-third street was purchased by Mr. and Mrs. Samuel E. Allen from Mr. and Mrs. Henry L. Peele on July 29, last. The Allens said they did not know the property was covered by a restrictive covenant and, according to the complaint, "demanded" that the four complainants purchase the property or they, the Allens, would move in.

Late on the night of Oct. 3, the complainants allege, colored persons unknown to them moved into the house. If these colored persons or others are permitted to continue to occupy the house, the complaint states, the property of the complainants will be irreparably damaged and "the peace, quiet and satisfaction of their respective homes completely destroyed.

THE COMPLAINANTS

The suit for an injunction was brought by Ruth Williams, 703 North Thirty-third street; J. O. Allen, 708 North Thirty-third street, and Mr. and Mrs. R. A. Taylor, 705 North Thirty-third street. Norman Flippen and Samuel T. Binns Jr., attorneys for the complainants, say other persons living in the area want to join in the suit as plaintiffs.

Oliver W. Hill, an attorney, who is representing the defendants, said the complainants could not establish that their property would be damaged by colored occupancy of premises of 706 North Thirty-third street. He also said the United Nations charter had wiped out residential segregation through restrictive covenants.

49 1947 Wisconsin

SLIPPING

Hotels Seem to Be Erecting Barriers Against Negroes Used Before the War

By HORACE R. CAYTON

(The views expressed in this column are those of the writer and do not necessarily express the editorial opinion of The Pittsburgh Courier.—The Editors.)

IF YOU get around the country a bit you'll find that white hotels are less and less willing to take Negro clients. At least that's been my experience, and I think that any Negro who does a lot of traveling will find it to be true.

Mr. Cayton

This was brought most vividly to my attention just the other day when Joseph Hardrick, an ex-soldier who spent two and a half years in the army, one and a half of them overseas, fighting for democracy, came back and got kicked around in Milwaukee, Wis. Now Hardrick isn't just an ordinary guy. I met him first at Sinclair Lewis' estate. There he is Mr. Lewis' general factotum, and its hard to tell whether he or Mr. Lewis run the 700-acre farm. But he's an awfully bright guy and he handled the situation in such a way that he has an almost airtight case against a hotel in that city. Here is the story.

HARDWICK drove into Milwaukee and went to the Urban League headquarters. From there he phoned the hotel and asked for a single room with a garage. The young lady who answered the phone said that she had such a room and asked when he was coming in and he said immediately. It took him (and he was smart enough to note this) exactly twelve minutes to get to the hotel. When he entered the lobby the young lady in charge was very flustered and asked, "Is there something I can do for you?" John Mims of the Milwaukee Urban League, who had accompanied him, said, "Yes, this gentleman has a reservation for a single room for tonight." At that point, the hotel staff went into a panic.

Two of the clerks got into a huddle and Hardrick, who has exceedingly good ears, heard one of them say words to the effect that, "Oh, I took the reservation, but his voice didn't sound like a colored man over the phone." After they had conferred for a while and worked out a bit of strategy to enforce the jim crow front, one of the clerks came back and told Hardrick, "We only have two rooms left, one for four people and one for eight people." Hardrick is not the kind of guy to take a pushing around easily so he said, "All right, I'll take one, but I'd like to see them both first." That threw the hotel staff into another tailspin and they came up with this corny one—"We can't let one person take space for that many."

* * *

AFTER A FUTILE attempt to see the manager, Hardrick and Mims went back to the Urban League headquarters. There they got in touch with a white friend (and there are some) and the three of them worked out a bit of strategy for the democratic front. The white friend called for a reservation for a room and and got one. He went to the hotel and got the room. He spent the night in the room and got a receipt, which was evidence that rooms were available when Hardrick was refused. Hardrick, incidentally, spent the night at the white friend's home.

So don't say, "It Can't Happe Here." It's happening. And u less you've got Kingsblood Roy you're liable to get shoved around. If you don't believe me, ask Joseph Hardrick or Sinclair Lewis.

In the meantime, if you have to travel around the country and need some place to sleep at night, be smart and build up a case so that you can sue the hotels that refuse you just as Hardrick is now going to sue the hotel in Milwaukee. Remember that when the war was on, hotels were pretty leery about turning down Negro Governmental officials and Negro army officers. It just didn't square up with fighting a war for democracy. But now I suspect that the hotels are falling back into their old jim-crow pattern. Let's put up a fight now and not lose the small gains for civil rights which we won during the war for democracy.